

2017

Town of Norridgewock Maine Ordinances

Norridgewock, Me.

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TOWN OF NORRIDGEWOCK

NORRIDGEWOCK REGIONAL AIRPORT ZONING ORDINANCE

ADOPTED JANUARY 18, 1990

SECTION 1: PURPOSE

An obstruction in the vicinity of the Norridgewock Regional Airport has the potential for endangering lives and the users of the airport, and property or occupants of land in its vicinity. An obstruction may effect existing and future instrument approach minimums of the airport and such an obstruction may reduce the size of areas available for the landing, taking off, and the maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

It is in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and that the prevention of these obstructions should be accomplished to the extent legally possible through the adoption of airport zoning regulations pursuant to 6 MRSA Section 241.

SECTION 2: DEFINITIONS:

As used in this Ordinance, unless the context otherwise requires:

1. AIRPORT-Means Norridgewock Regional Airport.
2. AIRPORT ELEVATION-270 feet above sea level.
3. APPROACH SURFACE-A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope set forth in Section V of this Ordinance. In plan the perimeter of the approach zone.
4. APPROACH, TRANSITIONAL, HORIZONTAL ZONES-These zones are set forth in Section IV of this Ordinance.
5. HAZARD TO AIR NAVIGATION-An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
6. HEIGHT-For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
7. HORIZONTAL SURFACE-A horizontal plane 150 feet above the established airport elevation, the perimeter of which plan coincides with the perimeter of the horizontal zone.
8. NONCONFORMING USE-Any pre-existing structure, object or natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
9. OBSTRUCTION-Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
10. PERSON-An individual, firm, partnership, corporation, company association, joint stock association, or governmental entity; including a trustee, a receiver, an assignee, or a similar representative of any of them.
11. PRIMARY SURFACE-A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.
12. RUNWAY-A defined area on an airport prepared for landing and taking off of aircraft along its length.

13. **STRUCTURE**-An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.
14. **TRANSITIONAL SURFACES**-These surfaces extend outward at 90 degree angles to the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surfaces.
15. **TREE**-Any object of natural growth.
16. **UTILITY RUNWAY**-A runway that is constructed for and intended to be used by propeller driven aircraft of 2500 pounds maximum gross weight and less.
17. **VISUAL RUNWAY**-A runway intended solely for the operation of aircraft using visual approach procedures.
18. **INSTRUMENT RUNWAY**-A runway intended for the operation of aircraft using precision instrument approach procedures.

SECTION III: AUTHORITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and 30 MRSA Section 2151-A and 6 MRSA Section 241 et. seq.
2. This Ordinance shall be known as the "Norridgewock Airport Zoning Ordinance" of the Town of Norridgewock, Maine adopted and effective by vote of the Town Meeting on January 18, 1990.

SECTION IV: AIRPORT ZONES

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable limitations are hereby established for each of the zones in question as follows:

1. Utility Runway-Non-Precision Instrument Approach Zone-Slopes thirty-four feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5000 feet along the extended runway center line.
2. Utility Runway-Visual Approach Zone-Slopes twenty feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5000 feet along the extended runway center line.
3. Transitional Zones-Slopes seven (7) feet outward for each foot upward, at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation or 420 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward, at the sides of and at the same elevation as the approach surface.
4. Horizontal Zone-Established at 150 feet above the airport elevation or 420 feet above mean sea level.
5. Excepted Height Limitations-Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 40 feet above the surface of the land.

SECTION VI: USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals of radio communication between the airport and aircraft, making it difficult for pilots to distinguish between

airport lights and others, resulting in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or other wise in anyway endangering or interfering with the landing, the taking off, or the maneuvering of aircraft intending to use the airport.

SECTION VII: NON-CONFORMING USES

Regulations Not Retroactive-The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

SECTION VIII: PERMITS

1. Future Uses-Except as specifically provided in Section V, Paragraph 5 (Accepted Height Limitations), no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VIII-4 (Variances).
2. Existing Uses-No permit shall be granted that would allow the establishment or creation of an obstruction or permit a conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit was made. Except as indicated, all applications for such permit shall be granted.
3. Nonconforming Uses-Abandoned or Destroyed-Whenever the Code Enforcement Officer for the Town of Norridgewock determines that a nonconforming tree or structure has been abandoned or more than eighty percent is torn down, physically deteriorated, or destroyed, or decayed no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances-Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Norridgewock Planning Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Planning Board unless a copy of the application has been furnished to the Norridgewock Regional Airport Authority for advice as to

the aeronautical effects of the variance. If the Airport Authority does not respond to the application within fifteen days after receipt, the Planning Board may act on its own to grant or deny said application.

5. Obstructing Marking and Lighting-Any Permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense such markings and lights as may be necessary. If deemed proper by the Planning Board, this condition may be modified to require the owner to permit the Norridgewock Regional Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION IX: ENFORCEMENT

It shall be the duty of the Code Enforcement Officer and the Municipal Officials of the Town of Norridgewock to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Norridgewock Planning Board upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Planning Board shall be promptly considered and granted or denied.

SECTION X: APPEALS

If the Planning Board disapproves an application for permit or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party; the applicant, an abutting landowner, or the Norridgewock Regional Airport Authority may appeal the decision of the Planning Board through the Norridgewock Board of Appeals. When errors in administrative procedures or interpretations are found, the matter shall be remanded to the Planning Board with instructions explaining proper procedures or interpretation of this Ordinance. The Board of Appeals does not have the authority to issue a variance of the requirements of this Ordinance. The Planning Board shall have thirty days to revise their decision in accordance with the instructions of the Board of Appeals and notify the applicant of their decision. A decision of the Board of Appeals or the Planning Board may be appealed to court as provided for by 30 MRSA Section 2411.

SECTION XI: PENALTIES

Each violation is a class E crime and each day a violation continues to exist shall constitute a separate offense. In addition, the Town of Norridgewock may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or failure to obey any violation of this Ordinance and the court shall adjudge to the Plaintiff such relief, by way of injunction, which may be mandatory or otherwise as may be proper under all the facts and circumstances of the case in order to fully effectuate purposes of this Ordinance.

SECTION XII: CONFLICTING REGULATIONS

When there exists a conflict between any of the regulations or limitations PRESCRIBED IN THIS Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIII: SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severed.

SECTION XIV: AMENDMENTS

This Ordinance may be amended by a majority vote at the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of ten percent of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a Public Hearing on any proposed amendment.

SECTION XV: EFFECTIVE DATE

Whereas, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and publication and posting as required by law. Adopted by the Inhabitants of the Town of Norridgewock this January 18, 1990.



"NORRIDGEWOCK" AIRPORT ZONING MAP

PREPARED BY NORRIDGEWOCK REGIONAL AIRPORT AUTHORITY, JUNE 30, 1951

JY1 (1-3-91)

AUTOMOBILE GRAVEYARDS AND JUNKYARDS ORDINANCE

This Ordinance concerns the operation and regulations of automobile graveyards and junkyards in accordance with Title 30-A Maine Revised Statutes Annotated (M.R.S.A.), Sections 3751 – 3760).

SECTION

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| 3751. Purpose | 3757. Provisions regarding nuisances unaffected. |
| 3752. Definitions. | 3758. Violation. |
| 3753. Permit required. | 3759. Rules |
| 3754. Hearings. | 3760. Relocation, removal, disposal, compensation and condemnation. |
| 3755. Limitations on Permits. | |
| 3756. Permit fees. | |

Section 3751. PURPOSE

Junkyards and so-called “Auto Graveyards” have been steadily expanding and frequently encroach upon highways. These junkyards and graveyards have become a nuisance and a menace to safe travel on public ways, often distracting the attention of drivers of motor vehicles because it appears cars are parked on the highway or that an accident has occurred. It is declared that such junkyards and automobile graveyards are a nuisance and are properly subject to regulation and control.

Section 3752. DEFINITIONS.

As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

1. AUTOMOBILE GRAVEYARD. “Automobile Graveyards” means a yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29, section 1, subsection 7 (“Motor Vehicle” means any self-propelled vehicle not operated exclusively on tracks, and ALL= Terrain Vehicles that are registered for highway use by the Secretary of State, or parts of such vehicles. This does not include snowmobiles).
 - A. An unserviceable vehicle as used in this subsection shall mean any motor vehicle which is wrecked, dismantled, cannot be operated

legally on any public highway or which is not being used for the purpose for which it was manufactured.

- B. "Automobile Graveyard" would exclude temporary (not more than 90 days shall be used until such time the definition is changed by either a Legislative Act or by the decision from a Court of Law: storage by an establishment or place of business which is primarily engaged in doing repairs of wrecked or dismantled vehicles which are awaiting parts and/or adjustment, such as damaged insured vehicles awaiting auto body work for the purpose of making repairs to render a motor vehicle serviceable.
- 2. HIGHWAY. "Highway" means any public way.
 - 3. INTERSTATE SYSTEM. "Interstate System" means those portions of the Maine Turnpike and the State Highway System incorporated in the National System of Interstate and Defense highways, as officially designated by the Department of Transportation.
 - 4. JUNKYARD. "Junkyard" means a yard, field or other area used to store:
 - A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
 - B. Discarded, scrap and junked lumber.
 - C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
 - D. Garbage dumps, waste dumps and sanitary fills.

NOTE: If either the automobile or the salvage material is inside a building, neither would be subject to the statute in most cases.

SECTION 3753. PERMIT REQUIRED.

- 1. No person may establish, operate or maintain an automobile graveyard or junkyard without first obtaining a nontransferable permit from the Selectmen of the Town of Norridgewock. Any automobile graveyard or junkyard established, operated or maintained is required to be licensed whether or not the person is actually in the junk business. This then, is a privilege granted to an individual by the State acting through the Selectmen and not an inherent right of the individual.
- 2. The Selectmen require the applicant to make a written request for the granting of the permit, stating such things as location, size, and other information pertaining to the operation (see form at appendix A). The written application must be accompanied by a fee as provided in section 3756 plus the cost of posting and publishing the hearing notice.
- 3. Permits issued under this section are valid until the first day of the following year.

SECTION 3754. HEARINGS.

The Selectmen as provided for in section 3753, shall hold public hearing before granting a permit to establish, operate or maintain an automobile graveyard or junkyard. They shall post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality and publish a notice in one newspaper having general circulation in the municipality. The Selectmen shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 days and not more than 14 days before the hearing.

SECTION 3755. LIMITATIONS ON PERMITS.

1. **HIGHWAYS; Interstate and Primary Systems.** No permit may be granted for an automobile graveyards or junkyard within 1,000 feet of the right-of-way of any highway incorporated in the Interstate and Primary Systems or within 600 feet of the right-of-way of any other highway (State or State-aid highway or County or Town roads (secondary highways), except for:
 - A. Those automobile graveyards or junkyards which are kept entirely screened to ordinary view from the highway at all times by natural objects, planting or fences:
 - (1). Screening required by this paragraph must be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the Selectmen. It must comply with the rules adopted by the Department of Transportation. The permit shall specify that compliance with these rules is required.
 - B. Those automobile graveyards or junkyards located within areas which have been zoned for industrial use and located more than 600 feet but less than 1,000 feet from the right-of way of any highway incorporated in the Interstate and Primary Systems.
2. **PUBLIC FACILITIES.** No permit may be granted for an automobile graveyard or junkyard which is:
 - A. Located within 300 feet of any public park, public playground, public bathing beach, school, church or cemetery; and
 - B. Within ordinary view from that public facility.
3. **LIMITATION OF NEW PERMITS.** No permit may be granted for any automobile graveyard or junkyard established after October 3, 1973, and located within 100 feet of any highway. All bona fide automobile graveyards and/or junkyards in existence within 100 feet of the highway Right-of-Way prior to October 3, 1973 may remain if they were there legally prior to that date. Those automobile

graveyards and/or junkyards which have been illegally established, operated and maintained, on or before October 3, 1973 would be considered “new yard” and cannot be within 100 feet of any highway Right-of-way.

4. RULES.

- A. No permit may be granted for an automobile graveyard or junkyard that does not comply with the rules adopted under section 3759. The Selectmen shall clearly state all conditions in the space provided on the permit which makes for clear notice of the conditions for the operator and the enforcement agency.
- B. The Selectmen, as provided for in section 3753 may apply more stringent restrictions, limitations and conditions in considering whether to grant or to deny any permit for an automobile graveyard or junkyard adjacent to any highway.
- C. The municipality conditions include, but not limited to:
 - (1). Compliance with all State and Federal hazardous waste regulations.
 - (2) Fire and traffic safety regulations.
 - (3) To reduce the noise level, all dismantling, with power tools, shall take place within a building.
 - (4) All motor vehicles shall be stored in a dry condition. A cement pad with catch basin shall be installed for the purpose of removing all lubricants or fluids from the vehicle. The battery shall be removed and stored to prevent any contamination. The battery and all lubricants and fluids shall be disposed of in accordance with Federal and State Laws.
 - (5) All motor vehicles or junk shall be located no closer than 20 feet from property lines.
 - (6) To ensure the quality of the ground and surface waters, the applicant (permit holder), at his sole expense, shall employ qualified geotechnical advisors satisfactory to the Selectmen to ascertain the need, type and quantity of ground and surface water monitoring wells at or near the perimeters of the proposed automobile graveyard and /or junkyard and if such wells are necessary, forthwith installed the same according to

the recommendations of the geotechnical consultant and supply to the Selectmen and well owners complete reports at least quarterly unless contamination is found and then monthly.

- (7) No motor vehicle or junk shall be located within 300 feet of any water body.
 - (8) No motor vehicle or junk shall be located within 100 feet of any freshwater wetland.
 - (9) All wells within 1,000 feet of an automobile graveyard or junkyard shall, if requested by the well owner, will be tested yearly at the expense of the automobile graveyard or junkyard owner and a copy of the test results will be provided to the well owner.
 - (10) Seasonal farm equipment will be exempted from this ordinance so long as it is located on the farm owners property and reported as personal property for tax purposes to the Town Office or excises taxes have been paid by owner.
5. The Selectmen shall take into consideration any and all local ordinances in deciding whether to grant or deny a permit for any automobile graveyard or junkyard and in attaching conditions of approval to the granting of a permit.

SECTION 3756. PERMIT FEES.

The Selectmen shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule. (The measurement should start from the edge of the highway (right of way) limit and not from the center of the highway):

- A. More than 100 feet from highway. Fifty dollars for each permit for an automobile graveyard or junkyard located more than 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754.
- B. Within 100 feet from highway. Two hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754.

SECTION 3757. PROVISIONS REGARDING NUISANCES UNAFFECTED.

This subsection shall not be construed as in any way repealing, invalidating or abrogating Title 17, section 2802, or limiting the right of prosecutions under that section. Violation of this subsection in the establishment, maintenance of operation of any automobile graveyard or junkyard constitutes prima facie evidence that the yard is a nuisance as defined in Title 17, section 2802.

SECTION 3758. VIOLATION.

1. ENFORCEMENT. Selectmen or their designee may enforce this subsection.
2. PENALTIES. Whoever violates this subsection or the rules of the Department of Transportation adopted under section 3759 shall be penalized in accordance with Title 30-A, section 4506. Each day that the violation continues constitutes a separate offense.
3. REVOCATION OR SUSPENSION OF PERMIT. Violation of any condition, restriction or limitation inserted in a permit by the Selectmen is cause for revocation or suspension of the permit by the same authority which issued the permit. No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard or junkyard. Notice of hearing shall be sent to the owner or operator by registered mail at least 7 but not more than 14 days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.

SECTION 3759. RULES.

In the interest of uniformity and to establish guidelines for the Selectmen in the matter of adequate screening, the Department of Transportation has adopted rules establishing minimum standards for screening of automobile graveyards and junkyards.

SECTION 3760. RELOCATION, REMOVAL, DISPOSAL, COMPENSATION AND CONDEMNATION.

1. ACQUISITION OF LAND. If the Department of Transportation determines that the topography of the land adjacent to any portion of a highway incorporated in the Interstate or Primary Systems will not permit adequate screening, as required in sections 3751 to 3760, or that adequate screening would not be economically feasible, it may acquire by gift, purchase or condemnation any interests in property that are necessary to secure the relocation, removal or disposal of the automobile graveyards or junkyards.

2. **COMPENSATION.** In case of such acquisition, just compensation shall be paid to the owner for the relocation, removal or disposal of the following automobile graveyards and junkyards:
 - A. Those which were operating and in existence on May 11, 1966 and located in areas adjacent to any portion of a highway incorporated in the Interstate or Primary Systems, which exceed Federal restrictions and for which Federal funds are available to defray the cost.
 - B. Those in operation along any highway made a part of the Interstate or Primary Systems on or after May 11, 1966.
 - C. Those in operation and established on or after May 11, 1966.
3. **PROCEDURES.** The purchase, condemnation, negotiation, assessment of damage and appeal procedures shall be in accordance with this ordinance and Title 23, section 153 to 159 (State highway Laws).
4. **USE OF FEDERAL FUNDS.** This ordinance does not prevent the town from participating with the owner when Federal or State funds are available to defray costs of screening junkyards whenever it is determined to be more feasible to screen rather than to be involved in the cost of impact of acquisition and relocation.

TOWN OF NORRIDGEWOCK

Board of Appeals Ordinance

TOWN OF NORRIDGEWOCK
BOARD OF APPEALS ORDINANCE

ADOPTED AT ANNUAL TOWN MEETING ON MARCH 1, 1993

Revisions adopted at Annual Town Meeting on March 4, 2013

I. GENERAL PROVISIONS:

- A. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rules of Order.
- B. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the Town which it may be expected to act upon as well as with the applicable state statutes.
- C. It shall be the responsibility of the Board to become familiar with the community goals, desires and policies as expressed in a "Comprehensive Plan", if any, and grant the minimum relief which will insure that the goals and policies of the plan are preserved and substantial justice is done.

II. APPOINTMENTS:

- A. The Board shall consist of five (5) members appointed by the municipal officers of the Town of Norridgewock for terms of five (5) years. The initial appointments shall be as follows: to continue existing appointments with existing terms.
- B. Thereafter, all appointed members must be legal residents of the Town.
- C. If State Law permits, the Municipal Officers may appoint up to three (3) associate members to the Board. The Chairperson of the Board shall designate which shall serve in place of the absent member.
- D. Neither a Municipal Officer nor his or her spouse or immediate family (grandfather, father, son, daughter, e.g.) may be a member or an associate member of the Board.
- E. Any member of the Board may be removed from the Board for cause, by the Municipal Officers before expiration of his/her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him/her. The term "for cause" shall include failure to attend three (3) consecutive Board meetings or hearings without sufficient justification, or voting when the member has a "conflict of interest".
- F. When there is a permanent vacancy of either a full or associate member, the Secretary shall immediately notify the Town Clerk. The Municipal Officers shall within sixty (60) days appoint a person to serve for the unexpired term.

III. OFFICERS AND DUTIES:

- A. The officers of the Board shall consist of a Chairperson, Acting Chairperson and Secretary, who shall be elected annually by a majority of the Board.

- B. CHAIRPERSON. The Chairperson shall perform all duties required by law and these by-laws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed other wise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.
- C. ACTING CHAIRPERSON. The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.
- D. SECRETARY. The Secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings; attend to correspondence of the Board; and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times.

IV. CONFLICT OF INTEREST:

Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration. The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (grandfather, father, wife, son, grandson, e.g.) or to his employer or the employer of any member of the person's immediate family. A pecuniary interest is defined as doing 10% or more of one's business with the appellant.

Even if no legal conflict of interest exists, a board member would be well advised to avoid even the appearance of a conflict in order to avoid the appearance of impropriety and maintain the public's confidence in the Board's work. Aldom vs. Roseland, 42 NJ Super.495, 127 A.2d. 190 (1956); 30-A MRSA Subsec. 2605.

V. POWERS AND LIMITATIONS:

- A. The Board shall have the following powers to be exercised only upon receipt of a written appeal by an aggrieved party:

1. The Board may interpret the provisions of any applicable town ordinance which is called into question.
2. The Board may approve the issuance of a special exception permit or conditional use permit in strict compliance with any applicable Town ordinance.
3. The Board may grant a variance only where strict application of any applicable town ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words property would cause undue hardship. The words “undue hardship” as used in the subsection mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. The hardship is not a result of action taken by the applicant or prior owner.
4. The Board shall have the power to hear and determine all appeals by any person or legal entity directly or indirectly affected by any decision, action or failure to act with respect to any license, permit, variance or other required approval, or any application therefore, including, the grant, conditional grant, denial, suspension, or revocation of any such license, permit, variance or other approval (hereinafter a “Decision”):
 - a. Rendered by the Code Enforcement Officer or the Planning Board pursuant to Shoreland Zoning Ordinance;
 - b. Rendered by the Planning Board or the Selectmen pursuant to the Subdivision Ordinance;
 - c. Rendered by the Selectmen pursuant to the Ordinance for the Regulation and Issuance Special Amusement Permits or 28 MRSA subsection 702 (also relating thereto);
 - g. Rendered by the Selectmen or the Road Commissioner pursuant to the Road and Entrance Design Standards Ordinance;
 - h. Rendered by the Planning Board or the Codes Enforcement Officer pursuant to the Floodplain Management Ordinance
 - i. Rendered by the Code Enforcement Officer or the Planning Board pursuant to the Site Plan Review Ordinance;
 - j. Rendered by the Code Enforcement Officer or the Planning Board pursuant to the Obscenity Ordinance;
 - k. Rendered by the Code Enforcement Officer or the Selectmen pursuant to the Automobile Graveyards and Junkyards Ordinance;

- l. Rendered by the Board of Commissioners or the Selectmen pursuant to the Sewer Use Ordinance; and
- m. Rendered by the Code Enforcement Office or Planning Board pursuant to the Mobile Home Park Ordinance.

VI. MEETINGS

- A. The regular meeting of the Board shall be held annually or as necessary.
- B. The annual organization meeting of the Board shall be the first regular meeting of the year.
- C. Special meetings of the Board may be called by the Chairperson. At least forty-eight (48) hours written notice of the time, place and business of the meeting shall be given.
- D. The Chairperson shall call a special meeting within the ten (10) days of receipt of a written request from any three members of the Board which request shall specify the matters to be considered at such special meeting.
- E. The order of business at regular meetings of the Board shall be as follows: (A) roll call; (B) reading and approval of the minutes of the preceding meeting; (C) action on held cases; (D) public hearing (when scheduled); (E) other business; (F) adjournment.
- F. All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except for consultation between the Board and its legal counsel concerning litigation or other legal matters where premature general public knowledge would clearly place the Town or Board at a substantial disadvantage.

VII. VOTING

- A. A quorum shall consist of three (3) members of the Board.
- B. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the Chairperson to call a special meeting for a subsequent date.
- C. All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require affirmative vote of a majority of the entire membership of the Board unless otherwise specified herein.
- D. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.
- E. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum for such matter.
- F. If the Board has associate members, the Chairperson shall appoint an associate member to act for a regular member who is: disqualified from voting, unable to attend the hearing, or absent from a substantial portion of the hearing due to late arrival. The associate member will act for the regular member until the case is decided.
- G. If the Board has no associate members, no regular member shall vote on the determination of any matter requiring public hearing unless he or she

has attended the public hearing thereon; however, where such a member has familiarized himself with such matter by reading the record, he or she shall be qualified to vote.

VIII. APPEAL PROCEDURE

- A. Any person aggrieved by an action which comes under the jurisdiction of the Board pursuant to Section V must file such application for appeal, in writing, on forms provided, within thirty (30) days of the granting or denial of a permit. The applicant shall file this appeal at the office of the Town Clerk, setting forth the ground for his/her appeal. Upon receiving the application for appeal, the Town Clerk shall stamp the date on the original, make a copy, retain the originals and notify the Chairperson of the Board.
- B. The fee to accompany applications for appeal shall be established by the Board of Selectmen. Checks are made payable to the Town of Norridgewock. In addition, the applicant shall be responsible for the cost of publishing two legal notices in a newspaper of general circulation in the municipality and the cost of certified mailings to owners of property abutting that for which the appeal is taken.

IX. HEARINGS

- A. The Board shall hold a public hearing on all appeals applications within thirty-five (35) days of the filing of a completed appeal application.
- B. The Board shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality, at least two times, the date of the first publication to be at least seven days prior to the hearing. The Board shall also cause notice of the hearing to be given to the Municipal officers, the Planning Board, the Code Enforcement Officer, and the owners of property abutting that for which the appeal is taken at least ten (10) days prior to the date of the hearing.
- C. The Board shall provide as a matter of policy for exclusion of irrelevant, immaterial, or unduly repetitious evidence.
- D. The order of business at a public hearing shall be as follows:
 - 1. The Chairperson calls the hearing to order.
 - 2. The Chairperson determines whether there is a quorum.
 - 3. The Chairperson gives a statement of the case and reads all correspondence and reports received.
 - 4. The Board determines whether it has jurisdiction over the appeal.
 - 5. The Board decides whether the applicant has the right to appear before the Board.
 - 6. The Board determines which individuals attending the hearing are "interested parties". "Interested parties" are those persons who request to offer testimony and evidence and to participate in

oral cross-examination. They would include abutting property owners, expert witnesses, employees of parties involved and those who might be adversely affected by the Board's decision. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal Officers, the Planning Board and the Code Enforcement Officer shall automatically be made parties to the proceeding. Other persons attending the hearing and federal, state, municipal, and other governmental agencies shall be permitted to make oral or written statements and to submit oral and written questions through the Chair.

7. The appellant is given the opportunity to present his or her case without interruption.
 8. The Board and interested parties may ask questions of the appellant through the Chair.
 9. The interested parties are given the opportunity to present the case. The Board may call its own witnesses, such as the Code Enforcement Officer.
 10. The appellant may ask questions of the interested parties and Board witnesses directly.
 11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.
 12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
 13. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants should be notified of the date, time and place of the continued hearing at the initial hearing.
 14. Written testimony may be accepted by the Board seven (7) days after the close of the hearing.
 15. The person(s) filing the appeal shall have the burden of proof.
- E. The Board may waive any of the above rules if good cause is shown.

X. DECISIONS

- A. Decisions by the Board shall be made not later than thirty (30) days from the date of the final hearing.
- B. The final decision on any matter before the Board shall be made by written order signed by the Chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof.

- C. The Board, in reaching said decision, shall be guided by the standards specified in the applicable state laws, local ordinances, policies specified in the Comprehensive Plan (if any) and by Findings of Fact by the Board in each case.
- D. In reviewing an application on any matter, the standards in any applicable local ordinance or statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.
- E. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was contrary to specific provisions of this ordinance or unsupported by substantial evidence in the record.
- F. Notice of any decision shall be sent by certified or registered mail or hand delivered to the applicant, his representative or agent, the Planning Board, the Code Enforcement Office, and the Municipal Officers within seven (7) days of the decision.
- G. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.
- H. Upon notification of the granting of an appeal or variance or the interpretation of an ordinance by the Board of Appeals, the town official or reviewing authority body shall promptly act in a manner consistent with the Board's decision, unless an appeal is taken therefrom to Superior Court.
- I. A copy of all variances effecting Shoreland Zoning granted by the Board of Appeals shall be submitted to the Maine Department of Environmental Protection within fourteen (14) days of the decision.

XI. CONSIDERATIONS:

- A. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any change in its original decision within thirty (30) days of its prior decision. A request for reconsideration must be filed within 21 days of the original decision. A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with Article VI of these By-laws. The Board may conduct additional hearings and receive additional evidence and testimony.
- B. Reconsideration should be for one of the following reasons:
 - 1. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based ; or
 - 2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

XII. APPEAL TO SUPERIOR COURT:

- A. The decision of the Board of Appeals may be taken, within forty-five (45) days after the decision is rendered, by any aggrieved party who

participated as a party during the proceedings before the Board of Appeals, and has standing to do so, to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

XIII. SEVERABILITY:

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

XIV. NEW APPEALS:

After a decision has been made by the Board of Appeals, a new appeal of similar import shall not be submitted to, or entertained by, the Board until one (1) year has elapsed from the date of the decision.

TOWN OF NORRIDGEWOCK
CABLE TELEVISION ORDINANCE

THE TOWN OF NORRIDGEWOCK ENACTS THE FOLLOWING CABLE
TELEVISION ORDINANCE IN COMPLIANCE WITH 30 MRSA SECTION 2158.
SIGNED THE 25TH DAY OF FEBRUARY 1988 BY THE MUNICIPAL OFFICERS.

THE TOWN OF NORRIDGEWOCK, acting by and through its municipal officers,
HEREBY ORDAINS the following Cable Television Ordinance:

Section 1. PURPOSE

The purpose of this ordinance is to provide for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Norridgewock, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Norridgewock, of the community antenna television system and to provide conditions accompanying the grant of franchise or the renewal of a previously existing franchise or agreement; and providing for the Town regulation of CATV operations.

Section 2. DEFINITIONS

- a. "CATV" shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.
- b. "Cable Television Company" shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Norridgewock, sometimes hereinafter referred to as "the company."
- c. "Town" shall mean the Town of Norridgewock, organized and existing under the laws of the State of Maine and the area within its territorial limits.

Section 3. FRANCHISE REQUIRED

No person, firm or corporation shall install, maintain or operate within the Town on any of its public ways or other public areas any equipment or facilities for the operation of a CATV system unless a franchise authorizing the use of said public ways or areas has first been obtained pursuant to the provisions of this Ordinance and unless said franchise is in full force and effect.

Section 4. FRANCHISE CONTRACT

- a. The Municipal Officers of the Town may contract on such terms, conditions and fees as they deem in the best interests of the Town and its residents with one or more Cable Television companies for the operation of a CATV system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed ten (10) years, and the renewal of a previously existing franchise or agreement for a period not to exceed ten (10) years.
- b. Applicants for a franchise or renewal shall pay a non-refundable filing fee to the Town of \$250 to defray the cost of public notice and advertising expenses relating to such application. The application shall be filed with the Town Clerk and shall contain such information as the Town may require including, but not limited to, a general description of the applicant's proposed operation, a schedule of proposed charges, a statement detailing its previous two fiscal years and estimated ten year financial projection of its proposed system, its proposed annual Town franchise fee, if any, or the basis for same, and a statement detailing the prior operational experience of the applicant in both CATV and microwave service including that of its officers, management and staff to be associated with the proposed operation.
- c. Any franchise contract may be revoked by the Municipal Officers for good and sufficient cause, after due notice to the company and a public hearing thereon, with the right to appeal to the Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

Section 5. PUBLIC COMMENT PERIODS

- a. Except in the case of a renewal of a previously existing franchise or agreement, the Town shall issue a request for proposals, after holding a public hearing with at least seven (7) days advance notice for the purpose of determining any special local needs or interest regarding cable television. In the case of a renewal of a previously existing franchise or agreement, the determination of any special local needs may occur at the hearing described in Section 5.d.
- b. Any proposal or application for a franchise or for renewal of a previously existing franchise or agreement shall be filed in triplicate with the Town Clerk's office, shall be deemed a public record, shall be available for a period not less than thirty (30) days, or ten (10) business days in the case of a renewal, prior to the Town's taking any formal action thereon, and public notice of the filing shall be given.
- c. Before authorizing the issuance of any such franchise contract, the municipal officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its proposal to operate a CATV system within the Town, and shall conduct a public hearing thereon with at least seven (7) days advertised notice prior to said public hearing.
- d. Before authorizing the renewal of a previously existing franchise or agreement, the Municipal Officers shall review the application for renewal and shall conduct a public hearing thereon with at least seven (7) days advertised notice prior to

said public hearing. In deciding whether or not to grant renewal, the Municipal Officers shall consider (a) whether the operator has substantially complied with the material terms of the existing franchise and applicable law, (b) the quality of the operator's service, (c) the operator's financial, legal and technical ability, and (d) whether the operator's new proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

Section 6. PERFORMANCE BOND AND INSURANCE COVERAGE

Upon the execution of any such franchise contract or renewal of a previously existing franchise or agreement, the Cable Television Company shall file a surety company performance bond in an amount not less than \$25000 conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, regulations governing said franchise, including cost of dismantling the system, and also evidence of such public liability, copyright infringement and other insurance coverage as the Municipal Officers may require. When the Cable Television Company has completed its proposed system as set forth in its proposal, and in compliance with its franchise agreement, the Municipal Officers shall permit the company to cancel said bond except for an amount to cover cost of dismantling the system.

TOWN OF NORRIDGEWOCK CEMETERY ORDINANCE

I. DEFINITIONS

Board of Selectmen: The elected Officers of the Town of Norridgewock.

Burial or Interment: The deposit of the remains and cremains of a human being into the ground.

Cemetery Committee: A committee of five (5) residents of Norridgewock appointed by the Board of Selectmen for three (3) year staggered terms. The Cemetery Committee is directly responsible to the Cemetery Superintendent.

Cemetery Sexton: The Town employee hired by the Town Manager and approved by the Board of Selectmen to oversee the operations of all Town owned cemeteries.

Cemetery Superintendent: The appointed official responsible for overseeing all aspects of cemetery management within the Town of Norridgewock. If the Cemetery Superintendent is the Town Manager, the Cemetery Superintendent shall be directly responsible to the Board of Selectmen. If the Cemetery Superintendent is other than the Town Manager, the Cemetery Superintendent shall be responsible to the Town Manager.

Flower Display: Any flower that is artificial whether in a container, bouquet or spray.

Flower Plants: Any of a variety of natural flowers with roots.

Half Lot: 10' X 10' Plot designed to hold the casketed remains of not more than three (3) adults.

Liner: Approved concrete slabs so constructed and assembled as to prevent sags or hollows in the gravesite. Must meet all laws, rules and regulations.

Lot: 10' X 20' Plot designed to hold the casketed remains of not more than six (6) adults.

Monument: Usually a block of granite or other stone, to commemorate a person, event, etc., and often bearing written tribute to the person, especially after their death. Monument and headstone are considered to be the same thing.

Non-resident: A non-resident is defined to be a person not residing within the Town of Norridgewock at the time of purchase of a cemetery lot.

Owner: Shall refer to burial rights and title to land.

Resident: A resident is defined to be a person residing within the Town of Norridgewock at the time of the purchase of a cemetery lot.

Single Grave: Plot designed to contain the casketed remains of one (1) adult human being; or the casketed remains of two (2) children at the discretion of the Sexton; or the cremated remains of six (6) human beings, provided such remains are members of the same family or anyone approved for interment within said lot by the owner of said lot.

Town: Shall mean the Town of Norridgewock or its duly elected officers or appointed officials including the Cemetery Committee.

Town Manager: The official hired by the Board of Selectmen to manage the business of the Town.

Vault: Concrete box large enough to contain the casketed remains of the deceased.

II. GENERAL

1. No vehicle shall be operated in areas other than roadways provided, unless authorized by the Town. Vehicles may not travel at more than five (5) miles per hour nor in such a manner as to leave ruts.
2. No vehicle known as a motorcycle, snowmobile, motorbike, all-terrain vehicle, dune buggy or any registered or unregistered off-highway motor vehicle shall be operated within the cemetery at any time, except as authorized by the Town.
3. Vehicles must not stop so as to block or hinder the passage of other vehicles, except that no auto may pass a grave when a burial ceremony is in progress.
4. The use or possession of firearms, except as part of a military burial, is prohibited.
5. Consumption of beer, wine, spirits, or other intoxicating beverages is prohibited. Use of illegal drugs is also prohibited.
6. All Town cemeteries are smoke free.
7. Only leashed pets are allowed in Town cemeteries. Pet owners are responsible for cleaning up all pet waste.
8. No shrubs or trees may be planted within the cemetery except by the Town.
9. The deposit of any refuse, unsightly flower displays, wreaths, or other grave decorations must be made in receptacles provided for such purpose; otherwise such deposits will be considered an act of littering, punishable per State of Maine statutes.
10. The owner of any lot is responsible for the removal of any unsightly flowers, wreaths, decorations, etc. from any gravesite. If the owner fails to execute such removal, the Town may do so.

11. No one shall damage, injure, remove or harm any flowers, monument, marker, etc., except at the direction of the Town.
12. All monuments must be placed on the westernmost portion of a lot. Any variation in placement must be approved by the Cemetery Superintendent.
13. Mausoleums, columbarium, niche or other edifice intended for above-ground burials are prohibited.
14. Repairs to headstones will be at the expense of the owner of the lot unless otherwise arranged.
15. The Town will not be responsible for malicious or vexatious damage to a memorial, monument, decorations, etc., or the theft thereof. The Town shall report such damage or theft to the proper law enforcement authority and to the owner of such property or their survivors, if known.
16. Cemeteries close one half hour after sunset and open one half hour prior to sunrise. A person is guilty of criminal trespass if he/she enters or remains in a cemetery when the cemetery is closed. (M.R.S.A., Title 17, Part 2, Chapter 17, Section 402)
17. All conduct in cemeteries owned and/or maintained by the Town of Norridgewock shall be in compliance with all Federal, State and local law, rules, and regulations
18. A copy of this Ordinance shall be issued with each deed.

III. LOT PURCHASE AND OWNERSHIP

1. Residents of the Town of Norridgewock are eligible to purchase lots in Norridgewock cemeteries.
2. A non-resident may be eligible to purchase a lot in a Norridgewock cemetery by satisfying one (1) of the following three (3) requirements:
 - A person born of parents who resided in the Town of Norridgewock.
 - A person with blood relatives who are either residing in the Town of Norridgewock or who were buried in a Town of Norridgewock cemetery.
 - A person who owns and pays property taxes on real property in the Town of Norridgewock at the time of the purchase of the cemetery lot.Evidence of compliance must be submitted to the Town of Norridgewock. Substantive exceptions may be considered by the Cemetery Superintendent.
3. Cemetery lots will be sold in consecutive order.
4. Within 30 days of the date of receipt of payment for a Lot or ½ Lot, the Town will issue a *Quit Claim* deed to the Owner. The *Quit Claim* deed will be recorded by the Town at the Somerset County Registry of Deeds.

5. Grave lots may not be sold or bartered but may be willed as part of an estate. Any change of ownership must be reported to the Town.

IV. BURIAL OR INTERMENT

1. All burials or interments will be made only on human remains. Animal burials are not permitted.
2. No above-ground interments/burials shall be permitted.
3. Interments shall be on the eastern side of monument.
4. All burials or interments shall be made in a steel or concrete liner or urn.
5. **Only the Town's Cemetery Sexton may open and close graves for burials, interments and disinterments.** (For someone seeking an alternative to the Town's Cemetery Sexton for opening and closing graves, application may be made to the Town Manager. Should the Town Manager grant an exception to the use of the Town's Cemetery Sexton, proper notification and documentation will be required to be submitted to the Town in a timely manner.)
6. Undertakers and/or Funeral Directors shall be responsible to the Town for the payment of all burial charges, fees, and burial permits.

V. DUTIES AND RESPONSIBILITIES

Board of Selectmen

The Board of Selectmen shall appoint a Cemetery Superintendent for a one year term.

The Board of Selectmen shall appoint a Cemetery Committee consisting of five (5) voting members and all voting members must be residents of Norridgewock. All members to be appointed by the Board of Selectmen for three (3) year staggered terms. Three members will make a quorum. The Town Sexton is automatically a non-voting member of the Cemetery Committee.

The Board of Selectmen, considering the recommendations of the Cemetery Committee, shall establish and publish all cemetery fees.

Cemetery Committee

The purpose of the Cemetery Committee is to oversee capital maintenance and special projects of Town owned cemeteries and to annually review and make necessary recommendations to the Board of Selectmen concerning the Cemetery Ordinance, Cemetery Fees, Cemetery Budget and Cemetery Operations.

The Cemetery Committee shall annually make recommendations in writing to the Town Manager for inclusion in the Town Meeting Warrant. The Cemetery Committee shall submit an annual report for inclusion in the Annual Town Report.

Committee to meet at least two (2) times each year or as needed.

Cemetery Sexton

In coordination with the Town Clerk, the Sexton shall prepare and keep updated plot maps of each cemetery and assist with the maintenance of accurate records at the Town Office; supervise all interments, including opening and closing of each grave site; supervise removal of bodies from graves; prepare an accounting of all cemetery activities for inclusion in the annual Town report; and complete any other relevant tasks assigned by the Cemetery Superintendent.

The Sexton shall be contracted by the Town of Norridgewock to complete any relevant work, described herein. The contract shall stipulate conditions of compensation, duties, expectations/performance, liability and any other mutually agreed upon terms.

Cemetery Superintendent

The Cemetery Superintendent shall appoint a Cemetery Sexton, subject to Board of Selectmen approval, and shall be responsible for overseeing all aspects of cemetery management within the Town of Norridgewock.

VI. FEES

With consideration of the recommendations of the Cemetery Committee, all fees for acquiring grave lots, for the opening and closing of graves, and for the perpetual care of lots shall be established by the Board of Selectmen.

The charge for perpetual care is a deposit in trust to be invested by the Inhabitants of the Town of Norridgewock in accordance with law, the interest thereon only, received by the Inhabitants will be expended annually for mowing and otherwise caring for the cemetery lot. All lots will be sold with perpetual care.

- Fees are available at the Town Office and on the Town website.
- All fees will be paid directly to the Town of Norridgewock
- Fees are subject to change.

VII. ADOPTION AND AMENDMENTS

1. This Ordinance shall become effective on passage at a regular Town Meeting.
2. This Ordinance may be amended in accordance with the general Provisions of the Town governing all ordinances.

3. Passage of this Ordinance shall supersede any and all other rules and regulations governing cemeteries in the Town of Norridgewock.
4. The invalidity of any portion of this ordinance shall not invalidate any other part.

VIII. PENALTIES FOR VIOLATION

Any person who violates any provision of this ordinance commits a civil violation and may be subject to punitive damages. In addition to punitive damages, any person who violates any provision of this ordinance may also be liable for the Town's costs of restoration or repair of any property damage caused by the violation as well as for all of the Town's reasonable attorney fees and costs.

A True Attest Copy:

Sharon Dodge, Town Clerk

Date

This Ordinance was adopted at open Annual Town Meeting on March 7, 2005 by a show of hands being 38 for and 19 against, at Norridgewock, Maine

Charlotte A. Curtis, Town Clerk
Norridgewock, Maine

TOWN OF NORRIDGEWOCK

DOG NUISANCE ORDAINACE

SECTION 1: DEFINITION:

Terms, as used int his Ordinance, shall have the following meaning, unless the context indicates otherwise.

1. DOG shall be intended to mean both male and female canines.
2. OWNER shall mean any person or person, firm, association or corporation owning, keeping or harboring a dog.

SECTION 2: DOG NUISANCE

It shall be unlawful for any owner of or any person harboring any dog in the Town of Norridgewock to permit or allow such dog to engage in habitual, prolonged or repeated loud howling, barking, whining, yelping, crying or other conduct sustained for one hour or intermittently for three hours and can be heard at or beyond the boundary of the property on which the dog is located so as to disturb the peace of any person other than the owner or owners harboring such dog or dogs.

SECTION 3: ENFORCEMENT

Any person who observes a dog actng in violation of the ordinance may file a written complaint with the Animal Control Officer or Local Law Enforcement (sheriff or State Police) specifying the objectionable conduct of the dog, the date, and time thereof, a description of the dog, and name and residence, if known, of the owner or other person harboring said dog. Upon receipt of such complaint, the Animal Control Officer or Local Law Enforcement shall issue a warning to said owner or other person harboring said dog or dogs. In the event that another complaint of such nature is received within one (1) month form the date of the initial complaint, the Animal Control Officer shall contact the Local Law Enforcement who shall cause the complaint to be filed before the District Court in the county where such owner or keeper resides. It shall be the duty of all Animal control Officers to enforce the provisions of the Ordinance.

SECTION 4: PENALTY

Upon complaint before any District Court in the county where such owner or keeper resides, any person found violating any of the provisions of this Ordinance shall be guilty of civil violation and punishable by a fine of \$50.00 for each first offense, \$75.00 for a second offense, and \$100.00 for third and subsequent offenses. All fines so assessed shall be recovered for the use of the Town of Norridgewock through the District Court. The Defendant shall be responsible for all costs, including attorney fees.

FLOODPLAIN MANAGEMENT
ORDINANCE

FOR THE

TOWN OF NORRIDGEWOCK, MAINE

ENACTED: MARCH 4, 2013
Date

EFFECTIVE: MARCH 4, 2013
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

Title

Affix Seal

60.3(d)
FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 (d) Rev. 11/09

Prepared 12/28/2012 by MFMP/SB

ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Norridgewock, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Norridgewock, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Norridgewock, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Norridgewock has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Norridgewock having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Norridgewock, Maine.

The areas of special flood hazard, Zones A and AE, for the Town of Norridgewock, Somerset County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Town of Norridgewock, Maine" dated May 6, 1996 with accompanying "Flood Insurance Rate Map - Town of Norridgewock, Maine" dated May 6, 1996, are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Planning Board. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Norridgewock, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Planning Board and shall include:

A. The name, address and phone number of the applicant, owner, and contractor;

- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zone AE, from data contained in the "Flood Insurance Study - Town of Norridgewock, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
2. highest and lowest grades at the site adjacent to the walls of the proposed building;
3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 03/09, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;

3. a certified statement that bridges will meet the standards of Article VI.M.;

4. a certified statement that containment walls will meet the standards of Article VI.N.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee as set by the Board of Selectmen in accordance with MRSA Title 30-A Subsection 4355 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT

APPLICATIONS

The Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Town of Norridgewock, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part

II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. Sanitary Sewage Systems - All new and replacement sanitary sewage systems shall be

designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On Site Waste Disposal Systems - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Watercourse Carrying Capacity - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. Residential - New construction or substantial improvement of any residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.

G. Non Residential - New construction or substantial improvement of any non-residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or

a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

H. Manufactured Homes - New or substantially improved manufactured homes located

within:

1. Zone AE shall:

a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

(3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and

b. meet the anchoring requirements of Article VI.H.1.c.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

a. be on the site for fewer than 180 consecutive days,

b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zones AE and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones AE and A, riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/ January 1995, as amended).

3. In Zones A and AE, riverine areas for which no regulatory floodway is designated, the

regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. Bridges - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and

b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones AE and A shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of mean high tide, if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Planning Board subject to the following provisions:

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Planning Board, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Planning Board that the development is complete and complies with the provisions of this ordinance.

C. Within 10 working days, the Planning Board shall:

1. review the Elevation Certificate and the applicant's written notification; and,
2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Norridgewock may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in

flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,
2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Article IX and Article VI.K. are met; and,
2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum

necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
2. such construction below the base flood level increases risks to life and property; and,
3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see Structure.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE or A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

Elevation Certificate - An official form (FEMA Form 81-31, 03/09, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

b. is required for purchasing flood insurance.

Flood or Flooding - means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see Flood Elevation Study.

Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see Regulatory Floodway.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Inspections-All inspections shall be done by the Codes Enforcement Officer and reported to the Planning Board.

Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see Base Flood.

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see Area of Special Flood Hazard.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

March 1, 1971

GENERAL ORDINANCES

Sec. 1. It shall be unlawful for any person to operate any vehicle on any street or highway or alley of the town in such a manner that material, rubbish, refuse, junk or litter of any kind drips, sifts, leaks, drops or otherwise escapes therefrom upon any street, highway or alley.

Sec. 2. It shall be unlawful for any person or persons to operate any vehicle upon the runways of the Norridgewock Airport. This ordinance shall not apply to ambulances, fire equipment, or any vehicle required in case of emergency.

Sec. 3. It shall be unlawful for any person or persons to throw, cause to be thrown, deposit or leave on the runways of the airport or lands adjacent thereto, any bottles, broken glass, refuse, tin cans or other scrap of any kind.

Sec. 4. No demonstrations consisting of 3 or more persons or parades shall be allowed in the town without first obtaining a permit from the Town Officials.

Sec. 5. No person shall ride a bicycle, vehicle, sno-mobile on any sidewalk in the business district. On other sidewalks pedestrians have the right of way.

Sec. 6. No person shall drive any carriage, horse, or drive or lead any cow upon or over any sidewalk, or foot path by the side of any street except for the purpose of crossing such sidewalks or foot paths as nearly as many be at right angles and in order to go into or out of some adjoining yard or enclosure.

Sec. 7. It shall be unlawful for any child under the age of sixteen years of age to loiter about the street of the town after 9:15 P.M., unless accompanied by parent or other guardian having legal authority or control of such minor. The fire siren shall be blown fifteen minutes before the appointed time as a warning which shall be called the curfew signal, after which all children under sixteen years of age shall be required to be off the street, except those in company of a parent or adult guardian.

Sec. 8. Definitions. As used in this ordinance, unless the context otherwise indicates:

- (a) "Dog" – Shall be intended to mean both male and female dogs.
- (b) "Owner" – Shall be intended to mean and include when used in this ordinance the parents or guardian of a minor who owns, keeps or has in his possession a dog.

"Owner" – Shall be intended to mean any person or persons, firm, association or corporation, owning, keeping harboring or in possession of, or having control of, a dog.

- (c) "At Large" – Shall be intended to mean off the premises of the dog's owner, and not under control and restraint of the dog's owner, or a member of his immediate family, either by leash, cord, chain, "at Heel" or under command.
- (d) "'Running At Large" – No owner shall cause or permit any dog owned or kept by him, or in his possession or under his control, to run a large within the town. A dog, while in or on any public way or place, except as hereinafter provided, shall be under restraint, within the meaning of this ordinance, if it is controlled by a leash, cord, chain or "at heel" or under the control of a person

Town Ordinances, Norridgewock, Maine

and obedient to that person's command, or on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper. Nothing in this ordinance shall be held to require the leashing or restraint of any dog while on its owner's or keeper's premises, or in or on any premises used or occupied as a dwelling house. A leash, cord, or chain shall not be more than eight feet (8') long.

Sec. 9. Penalty: Whoever violates the above general ordinances shall, upon conviction, be punished by a fine or not more than twenty dollars.

PARKING ORDINANCE

Sec. 1. Local Stop Signs and No parking Signs. The Municipal Officers are hereby authorized and directed to place stop signs at such intersections as they shall deem proper for the protection and control of traffic; and every vehicle before passing such stop sign and entering such intersection shall come to a full stop, unless otherwise directed by a traffic officer stations at such intersection.

Sec. 2. Parking. All vehicles shall stop, stand or park on the right hand of the street, and as closely as practicable to the edge of the road or side of the road, and parallel with the side of the street, except that in the business section, vehicles shall park at an angle with the curb, and between the parking lines as laid out by the municipal officers.

Sec. 3. No person except in case of emergency, or when ordered by an authorized officer so to do, shall stop, stand or park any vehicle in such a manner as to obstruct or impede the passage of other vehicles.

Sec. 4. No person shall stop, stand or park any vehicle in any of the following places:

- (a) On any sidewalk.
- (b) In front of any public or private driveway.
- (c) Within ten feet of a fire hydrant.
- (d) Upon any cross walk so designated by appropriate signs or markings.
- (e) Within twenty feet of any street intersection.
- (f) On either side of the street within seventy-five feet of the entrance to any fire station when properly marked with "No Parking" signs.
- (g) On the roadway side of any other vehicle which is stopped or parked at the curb or at the edge of the street and commonly called double parking.
- (h) It shall be unlawful to park or stand a motor vehicle within the confines of any street in the built up portion of the Town of Norridgewock as defined by law between the hours of twelve o'clock midnight and six o'clock the following morning during the months of November, December, January, February and March except in the case of emergency.
- (i) It shall be unlawful for any vehicle to remain backed up to the curb except when actually loading or unloading and only for a reasonable time.

Sec. 5. Penalty: Whoever violates the above parking ordinances shall be upon conviction, punished by the fine of not more than twenty-five dollars.

MANUFACTURED HOUSING PARK ORDINANCE

FOR THE

TOWN OF NORRIDGEWOCK

ENACTED MARCH 2, 1992

SECTION 1. TITLE

This Ordinance shall be known and cited as the Manufactured Housing Park Ordinance of the Town of Norridgewock, Maine and will be referred to herein as “this Ordinance”.

SECTION 2. AUTHORITY

- A. These regulations are adopted pursuant to and are consistent with the enabling provisions of Article V111-A of the Maine Constitution, the provisions of Title 30-A, MRSA, Section 3001, and the State’s growth management law, Title 30-A, MRSA, Sections 4311 et. seq.
- B. The provisions of this Ordinance shall apply to all proposed Manufactured Housing Parks, as defined; and, any and all alterations, expansions or reconstructions of existing Manufactured Housing Parks, as defined.

SECTION 3. PURPOSE

This purpose of this Ordinance is to promote the health, safety, and general welfare of the residents of the community; regulate Manufactured Housing Parks; establish minimum standards for the design, construction, and maintenance of Manufactured Housing Parks; to make them safe, decent and sanitary; and to determine the minimum responsibilities for owners and operators of Manufactured Housing Parks.

SECTION 4. APPLICABILITY

The Provisions of this Ordinance shall govern all Manufactured Housing Parks, whether an expansion, alteration or reconstruction of an existing park, or the development of a new park within the boundaries of the Town of Norridgewock.

SECTION 5. REVIEW REQUIREMENTS

- A. Except as stipulated herein, all Manufactured Housing Parks, whether an expansion, alteration or reconstruction of an existing park or the development of a new park, shall meet the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this ordinance conflict with specific provisions of the Norridgewock Subdivision Regulation, the provisions of this ordinance shall prevail.

- B. All Manufactures Housing Parks shall obtain a valid license to operate the park from the Maine Department of Professional and Financial Regulation, Manufactured Board.

SECTION 6. PERMIT-METHOD OF APPLICATION AND REQUIREMENTS

In addition to the requirements of other ordinances and regulations of the Town of Norridgewock, the applicant shall apply to the Norridgewock Planning Board for a permit to expand, alter or reconstruct an existing Manufactures Housing Park or develop a new park. Seven copies of the application and accompanying information shall be submitted to the Planning Board at least one week preceding the regularly scheduled meeting. All applications shall be in writing, signed by the applicant who shall submit with the application, proof of right, title or interest in the property together with a complete set of plans drawn to an appropriate scale, showing the location of the proposed park, and which shall, at a minimum, include:

- A. Boundary Survey certified by a registered Maine Land Surveyor;
- B. Topographical survey with contour intervals a minimum of five, unless specified otherwise by the Board;
- C. Maximum number, location, and size of all manufactured home spaces;
- D. Location of existing and any proposed structures;
- E. Location and width of all roadways, plan, profiles and cross sections;
- F. Location and size of all utilities;
- G. Location and intensity of lighting;
- H. Landscape plan;
- I. Erosion and sedimentation control plan;
- J. Stormwater management plan;
- K. Phasing plan;
- L. Construction schedule; and
- M. Additional information as may be required by the Planning Board.

SECTION 7. FEES

The Municipal Officers shall annually set the amount of all fees required by this Ordinance. The fee structure shall take into account the cost of hiring independent consultants to assist the Planning Board in technical review of the application.

SECTION 8. DESIGN REQUIREMENTS

The following design requirements are applicable to all expansions, reconstructions and development of new Manufactured Housing Parks.

- A. WATER: Public water is required for all Manufactured Housing Parks unless it can be demonstrated that public water is unobtainable and the on-site water supply can supply sufficient quantities of potable water to the development. The design, construction and operation of the water distribution system shall conform to the standards of "Maine Rules Relating to Drinking Water".

The design of the Water Distribution System shall be prepared by a Professional Engineer registered in the State of Maine.

B. SEWER: Adequate on-site sewage disposal is required.

1. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots where the limiting factor is identified as being within 24 inches of the surface, a second site with suitable soils shall be reserved for future replacement of the primary disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

2. In no instance shall a disposal area be permitted on soils or on a lot which requires a new system variance from the Subsurface Wastewater Disposal Rules.

3. The location of sewage disposal facilities in areas of significant sand and gravel aquifers and primary and secondary aquifer recharge areas as identified on Map #31, "Hydrogeological Data for Significant Sand and Gravel Aquifers", published by the Maine Geological Survey, as amended, shall require the submission of written certification from a licensed Site Evaluator or Registered Maine Geologist, that the cumulative impact of on-site disposal system(s) will not adversely affect ground water quality.

C. **BUFFER STRIPS:**

1. A 50 foot wide buffer strip shall be provided along all property boundaries that abut residential land which has a gross density of less than half of that proposed in the park. No structures, streets, parking or utilities may be placed in the buffer strip except as required to cross the buffer strip to provide services to the park.
2. Within 25 feet of any property boundary, and within the buffer strip, a visual screen shall be provided. The screen shall effectively screen at least eighty percent (80%) of the park as viewed from adjacent property and shall be adequately maintained throughout the life of the project so as to maintain the visual screen. Visual screening may consist of:
 - a. Fences-Minimum height of 6 feet
 - b. Earth berms
 - c. Landscaping
 - d. Natural existing vegetation.
3. Land area required for buffer strips shall be in addition to that required to meet individual lot size, open space, road right-of-way or shoreland zoning requirements.

D. **LOT SIZE, WIDTH AND DENSITY:**

1. Lots served by public sewer and water:
 - a. Minimum lot area-6500 square feet
 - b. Minimum lot width-75 feet.
2. Lots served by individual subsurface sewage disposal system and individual water supply:
 - a. Minimum Lot Area-20000 square feet

- b. Minimum lot width-150 feet
- 3. Lots served by individual subsurface sewage disposal system and public water supply:
 - a. Minimum lot area-20000 square feet
 - b. Minimum lot width-100 feet
- 4. Lots served by a central subsurface wastewater sewage disposal system and public water supply:
 - a. Minimum lot area-12000 square feet
 - b. Minimum lot width-100 feet
 - c. Minimum density-One unit per 20000 square feet of total park area
- 5. Lots served by a central subsurface wastewater sewage disposal system and individual water supply:
 - a. Minimum lot area-12000 square feet
 - b. Minimum lot width-150 feet
 - c. Minimum density-One unit per 20000 square feet of total park area
- 6. Lots within a shoreland zoning district shall meet all lot area, lot width, setback and frontage requirements for that district.
- 7. The minimum overall density of the manufactured housing park shall be the combined area of:
 - a. The area required for manufactured home lots;
 - b. The area required for road rights-of-way;
 - c. The area required for buffer strips;
 - d. For parks served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots; and
 - e. The area within the required shoreland zone setback.

E. LOT SETBACKS

- 1. The following lot setbacks shall apply to all manufactured housing structures excluding accessory structures located on an individual mobile home site:
 - a. Frontyard setback (Private road)-20 feet
 - b. Sideyard setback-20 feet
 - c. Rearyard setback-10 feet
 Structures located within a Shoreland Zoning District shall meet the setback requirements for that district.
- 2. So as to avoid monotony and provide for creative design, the Planning Board may allow the frontyard setback, on a private road within the park, to be varied provided that no home may be closer than ten feet (10') from the right-of-way and the average distance is at least twenty feet (20') for all units.
- 3. For the purpose of providing more useable sideyard space on one side of a unit, the Planning Board may allow sideyard setbacks to be reduced to five feet (5') provided the distance between units be a minimum of twenty feet

(20').

4. Accessory Structures located on an individual mobile home site shall not be located closer than 20 feet from the street right-of-way; nor less than 5 feet from the side lot line.

F. UNIT SEPARATION:

A minimum of twenty feet (20') shall be maintained between all units in all directions.

G. LOT COVERAGE

All structures on the lot, including accessory buildings and structures shall not cover more than 50% of the lot area.

H. FOUNDATION SYSTEM:

All units shall be provided with a means to adequately support the structure. This construction constitutes a foundation constructed in accordance with the foundation system included in the manufacturer's installation instructions, or requirements of this section. The manufacturer or owner may design for and specify installation of any foundation system which meets the requirements of this section.

1. Manufactured homes with manufacturer's installation instructions shall include a typical foundation system designed by a registered professional engineer or architect to support anticipated loads specified in the manufacturer's installation instructions for this area and meet the requirements of Chapter 3, Manufactured Home Foundation Systems, of NFPA-501A.
2. Manufactured homes without manufacturer's installation instructions shall have a foundation system designed and calculated by a registered professional engineer or architect sufficient to support the loads imposed by the support the loads impose by the support system of the manufactured home placed thereon which meets the requirement of Chapter 3, Manufactured Home Foundation Systems, of NFPA-501-A.
3. Manufactured homes shall be provided with the appropriate anchoring system to be designed and installed in accordance with the requirements of Chapter 3, Section 3-2.7, NFPA-501-A.

- I. SKIRTING: Skirting shall be provided, where applicable, and installed on each manufactured housing unit in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to minimize possible frost heave. Access opening(s) not less than 18 inches in any dimension and not less than 3 square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the manufactured housing unit are accessible for inspection. Such access panel(s) or door(s) shall

not be fastened in a manner requiring the use of a special tool to remove or open same. On-site fabrication of skirting shall meet the objectives cited herein.

J OPEN SPACE REQUIREMENTS:

1. Parks served by a public sewer shall have a minimum of 10% of the total park area reserved for open space and/or recreation. Such open space shall be accessible and useable by all residents of the park.
2. Parks served by a central subsurface waste disposal system shall reserve the land not utilized for lots (Section 8,D,4&5), less the area reserved for road right-of-way, as open space which shall be accessible and useable by all residents of the park.
3. Open Space Suitability-At least 50% of the required open space shall consist of land that is suitable for recreation.
4. Developed Open Space-All developed open space shall be designed and landscaped for the use of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the applicant.
5. Undeveloped Open Space-Undeveloped open space shall remain in its natural state where possible. Improvements for passive recreation, such as trails for walking and jogging or picnic areas, are permitted and encouraged.
6. Open Space Ownership-The applicant shall submit a copy of the park rules and a plan which specifies how the open space will be used and maintained, any conditions of use, maintenance plan, and areas dedicated to open space within the park.

K TRAFFIC

1. Manufactured Housing Parks which generate more than 300 average vehicle trip ends per day (as defined by the Institute of Transportation Engineers) shall be required to submit a traffic impact analysis prepared by a Professional Engineer experienced in traffic impact analysis.
2. In the case where the Planning Board determines it is in the interest of public safety the applicant shall be required to submit a traffic impact analysis prepared by a Professional Engineer.
3. Manufactured Housing Parks which generate more than 200 average vehicle trip ends per day (as defined by the Institute of Transportation Engineers) shall provide a minimum of two means of access and egress from a public street(s).
4. No manufactured home lot shall have vehicular access directly onto a state highway.

L ROADS

1. Roads within the manufactured housing park shall be designed by a Professional Engineer, registered in the State of Maine, and shall be built and maintained according to accepted engineering standards and as promulgated by the Maine Manufactured Housing Board. Road design submission shall

include: a plan, profiles, and cross-sections at a scale of 1"=40' horizontal and 1"=4' vertical scales.

2. Roads within the manufactured housing park which are to be offered for acceptance to the town shall meet the minimum road construction standards of the subdivision regulations and/or Town Road Ordinance.
 3. No dead end street within the park shall be more than 800 feet in length.
 4. On-street parking shall be prohibited unless an eight foot parking lane is provided on the side of the road.
 5. Cul-de-sacs shall have a minimum radius of 50 feet at the outer edge of the travelway.
 6. Two-way park roads have a minimum right-of-way of 23 feet and a minimum travel surface of 14 feet. On-street parking shall be prohibited.
 7. One-way streets shall have a minimum right-of-way of 18 feet and a minimum travel surface of 14 feet. On-street parking shall be prohibited.
 8. Street grades shall be no greater than 8 percent with short runs of no more than 12 percent provided traffic safety is assured.
 9. Roads which intersect with public roads shall meet the following standards:
 - a. Angle of intersection-The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
 - b. Grade-The maximum grade within 75 feet of the intersection shall be 2 percent.
 - c. Sight Distance-The minimum sight distance shall be 10 times the posted speed limit on the existing public road. Sight distances shall be measured from the drivers' seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of the object 4 ¼ feet.
 - d. Distance from Other Intersections- The centerline of any street within a manufactured housing park intersecting with an existing public street shall be at least 125 feet from the centerline of any other street intersection that public street.
- M. DRIVEWAYS: Driveways shall have a minimum width of 10 feet and shall have a 5 foot radius or shall flare to a 14 foot width at street entrance.
- N. PARKING: Each manufactured home lot shall be provided with at least two (2) off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet. The Planning Board may waive this requirement if an equivalent number of spaces are provided by an on-street parking lane.

In addition, one off-street guest or services parking shall be provided within the boundaries of the park at a ratio of one space for each four manufactured housing lots. The Planning Board may waive this requirement if an equivalent number of spaces are provided by on-street parking lane.

- O. UTILITIES: All utilities shall be designed and installed in accordance with applicable state rules and regulations. A Utility Plan shall be submitted indicating location of existing utilities and location, size and type of all new utilities.
- P. FIRE PROTECTION: Water supplies for fire department operations shall be

provided for each manufactured housing park. Hydrants shall be located along the community streets or public ways readily accessible for fire department use and located within 500 feet of all homes and structures. Hydrants shall have a minimum yield of 1000 gpm, with 25 psi residual pressure. Where a community water supply is not available, the manufactured housing park shall provide a reservoir or water supply with a source of not less than 3000 gallons accessible for fire department drafting operations. All fire protection measures shall be reviewed and approved by the Norridgewock Fire Chief and the Maine Forest Service (when applicable). Their written comments shall be furnished to the Norridgewock Planning Board.

Q. SIGNS: Signs and advertising devices shall be prohibited in a manufactured housing parks except :

1. One (1) identifying sign at each entrance of the manufactured housing park, to a public street, no larger than 24 square feet which may be indirectly lit, but not flashing.
2. Directional and informational signs for the convenience of the tenants and the public, relative to parking, office, safety, home address, etc.
3. Manufactured home “for sale” signs, provided such signs that face a public road will be no more than 8 square feet and unlighted.

R. STORM WATER DRAINAGE: All new manufactured housing parks or expansions to existing parks, whether or not served by an existing storm water collection system, shall be designed to control and manage storm water in accordance with the following guidelines:

1. A storm water management system shall be designed to infiltrate, detain or retain water falling on the site during a design storm such that the post-development peak discharge and runoff will not exceed the peak discharge and runoff from the site prior to any development activities;
2. Storm water transportation systems shall be designed to pass the peak discharge of a twenty-four hour (24-hour), twenty-five year (25-year) storm frequency. Open channel systems will be designed to contain the design storm. In addition, areas expected to be flooded by the design storm will be indicated on the plans and be considered part of the drainage and storm water management system;
3. The storm water management system shall take into consideration the upstream discharge and runoff which must pass over or through the development site and will include a surplus design capacity factor of twenty-five percent (25%) for potential increases in upstream runoff;
4. Downstream drainage requirements shall be studied to determine the effect of the proposed storm water management system discharge off-site. The storm water management will not overload existing or future planned storm drainage systems downstream of the development nor will post-development peak discharge and runoff exceed pre-development peak discharge and runoff;
5. The proposed storm water management system shall be designed by a Professional Engineer experienced in the design of storm water systems. The designer of the system will develop and submit for review, the method of calculation and the hydraulic calculations. These calculations will be based on

accepted engineering practices and demonstrate that the requirements of this section will be met;

6. Rights-of-way or easements will be designated for all components of the storm water management system lying outside the established public street lines;
7. The applicant shall certify in writing that all components of the storm water management system will be maintained until the system is placed under the jurisdiction of a legally created association or formally accepted by the town, which will then be responsible for the maintenance of the system; and
8. When construction of the development is to occur in phases, the planning of the storm water management system shall encompass the entire site which may ultimately be developed, and shall not be limited to an initial or limited phase of the development.

S. **LANDSCAPE PLAN:** A manufactured housing park shall have a Landscape Plan which takes into consideration the relationship of individual sites to one another, the proposed use of open space, the relationship of the Park to surrounding property, and a specific planting scheme. The planting scheme must include, at a minimum, plant species, size of plants at installation, and existing vegetation to be retained. The Landscape Plan must also include a permanent landscape maintenance program.

1. Where possible, existing trees shall be preserved, and mobile home stands shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
2. Lawn and other ground cover shall be installed on all areas except those covered by structures, paved or surfaced areas, landscaped areas, and undisturbed areas such as woods and drainage areas which are to be preserved in their natural state.
3. In addition to required buffers and screening, other planting shall be adequate in size, quantity and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade.

T. **SOLID WASTE:** The storage, collection, and disposal of solid waste in the park shall not create health hazards, rodent harborage, insect-breeding areas, accident hazards, or air pollution. All solid waste shall be stored in watertight containers which shall be provided in sufficient number and capacity to prevent solid waste from overflowing.

U. **EROSION AND SEDIMENTATION CONTROL:** Adequate measures shall be provided to control erosion and sedimentation during the construction phase and after the completion of the project. These should include but are not limited to the following:

1. Description and location of the limits of all proposed earth movement;
2. Description and location of all existing and proposed drainage features including the size of any culverts and cross-section of drainage ditches;
3. Description, location, and details of all temporary erosion and sedimentation control measures;

4. Description, location, and details of all permanent erosion and sedimentation control measures, including:
 - a. Areas to be riprapped;
 - b. Areas to be seeded, with specifications for seed mixture (%), type of fertilizer, and application rates of lime, fertilizer and seed (lb/1000 sq.ft);
 - c. Areas to be mulched, including type of mulch and application rate;
 - d. Sedimentation ponds with engineering design data;
 - e. Timing and sequence of the above erosion and sedimentation control measures; and
 - f. Provisions for maintenance of all erosion and sedimentation control facilities which will remain after the project is completed, including designation of responsible parties.
- V ACCESSORY STRUCTURES: The following requirements shall apply to any accessory structures located on a manufactured home site and accessory to the manufactured unit. The accessory structure shall:
 1. Not exceed a width of 24 feet or length of 26 feet;
 2. Not exceed a wall height of 10 feet nor have a roof pitch exceeding 5 inches per foot; and
 3. Not obstruct required openings for light and ventilation of the manufactured housing unit equipment or utility connection.
 4. Meet all setback requirements of Section.E.4.
- X ATTACHED STRUCTURES: The following requirements shall apply to any extensions of manufactured homes such as porches, decks, and porticos. Such attached structures shall:
 1. Not be used for the storage of motor vehicles; and
 2. Meet all setback requirements of Section.E.1.
- Y. STORAGE: At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for storage of materials and equipment.

SECTION 9. MANUFACTURED HOME SAFETY STANDARDS

These standards shall apply to all manufactured housing units built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a manufactured housing in the Town of Norridgewock.

A. EXIT FACILITIES-EXTERIOR DOOR

1. Required egress doors shall not be located where a lockable exterior door must be used in order to exit.
2. Homes shall have a minimum of two exterior doors not less than 12 feet from each other as measured in any straight line direction regardless of the length or the travel between doors. One of the required exit doors shall be accessible from

the doorway of each bedroom without traveling more than 35 feet.

3. All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 38 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

B. EXIT FACILITIES-EGRESS WINDOWS AND DEVICES

1. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAA 1704-1985.
2. The bottom of the window opening shall not be more than 36 inches above the floor.
3. Locks, latches, opening handles, tabs and any other window, screen, or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor.

C. INTERIOR DOORS: Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button, or other locking devices on the inside.

D. FIRE DETECTION EQUIPMENT: At least one smoke detector (which may be a single station alarm) shall be installed in the home in the following locations:

1. On any wall in the hallway or spacing communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of living, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
2. When located in hallways, the detector shall be between the return air intake (where applicable) and the living area.
3. The smoke detector shall not be placed in a location which impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
5. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling. The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into the general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protecting device protecting

the branch circuit and the detector. The smoke detector shall not be placed on the same branch circuit or any circuit protected by a ground fault interrupter.

E. FLAME SPREAD

1. Ceiling interior finish shall not have a flame spread rating exceeding 75;
2. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material 2 inches wide or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having flame spread rating not exceeding 25;
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50;
4. Kitchen cabinet doors, counter tops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200; and
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread of 200; and
6. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.

F. KITCHEN CABINET PROTECTORS

1. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range shall be protected with at least 5/16 inch thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3-inch eyebrow projecting horizontally from the front cabinet face. The 5/16 inch thick gypsum board or equivalent material which is above the top of the hood maybe supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
2. The metal hood will not be required if there is an oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

G. CARPETING: Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed provided that it is not located under the furnace or water heater.

H. ROOF LOADS: All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

I. HEATING AND FUEL BURNING SYSTEM: A person holding a master license

issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31-Installation of Oil Burning Examining as adopted by that Board, or other applicable standards.

- J. ELECTRICAL SYSTEM: A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical code in effect at the time the home was constructed.

SECTION 10 PARK ADMINISTRATION

- A. The owner or operator of a manufactured housing park shall be responsible for operating the park in compliance with this Ordinance and shall be responsible for ensuring the maintenance of all park-owned structures, facilities, equipment, and grounds.

SECTION 11. TRANSFER OF OWNERSHIP OR CONVERSION OF PARK

- A. TRANSFER OF OWNERSHIP: In the event a person possessing a permit issued pursuant to this Ordinance transfers the ownership of the park, without transfer of the permit being approved by the Norridgewock Planning Board, the permit granted by the Board shall continue to authorize construction and operation of the manufactured housing park within the limits of this Ordinance and subject to the terms and conditions stated in the permit, provided that the parties to the transfer shall be jointly and severally liable for any violation of the permit until such time as the Board approves the transfer or issuance of a new permit to the new owner. The Planning Board may, in their discretion, require the new owner apply for a new permit, or may approve the transfer of the existing permit upon satisfactory showing that the new owner can abide its terms and conditions and will be able to comply with the provisions of this ordinance,
- B. CONVERSION OF PARK: No development or subdivision which is approved under the provisions of this ordinance as a manufactured housing park may be converted to another use without the approval of the Norridgewock Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval:
 - 1. The land within the manufactured housing park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred; and
 - 2. No dwelling unit other than a manufactured housing unit shall be located within the park.

SECTION 11 MISCELLANEOUS

- A. CONFLICTS WITH OTHER ORDINANCES: Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other Ordinance, regulation, or statute, the more restrictive provision shall control.

- B. **VALIDITY AND SEVERABILITY:** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- C. **EFFECTIVE DATE:** The effective date of this Ordinance shall be March 2, 1992.
- D. **AMENDMENTS:** This Ordinance may be amended by the majority vote of the Legislative body.
- E. **PLAN REVISIONS AFTER APPROVAL:** No changes, erasures, modifications, or revisions shall be made in the manufactured housing park plan after approval has been given by the Planning Board and the plan signed, unless the plan is first re-submitted and the Planning Board approves any modifications. In the event, that the manufactured housing park is recorded without complying with this requirement, the plan shall be considered null and void.
- F. **WAIVERS:** Where the Planning Board finds that extraordinary and undue hardship may result from strict compliance with these regulations, or where there are any special circumstances or a particular plan, it may waive any of these regulations provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other ordinance.

SECTION 12 ADMINISTRATION, ENFORCEMENT AND PENALTIES

- A. **ADMINISTRATION:** The Planning Board of the Town of Norridgewock shall administer this Ordinance.
- B. **PROCEDURE FOR ADMINISTERING PERMITS:** Within 30 days of the date of receiving a written application, the Planning Board shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, the specific additional material needed to make the application complete. After determining a complete application has been filed, the Planning Board shall notify the applicant and begin its full evaluation of the proposed Manufactured Housing Park. In addition, the Planning Board shall notify by mail all abutting property owners of the proposed Manufactured Housing Park, specifying the location and a general description of the proposed Manufactured Housing Park.

In the event the Planning Board determines to hold a public hearing on the application, it shall hold such hearing within 30 days of receipt of the completed application, and shall cause notice of date, time, and place of such hearing be provided the applicant, abutters, and be published in a newspaper of general circulation in the municipality in which the proposed Manufactured Housing Park is to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The burden of proof that a proposed, enlargement or alteration of a Manufactured Housing Park is in conformity with the purposes and provisions of this Ordinance shall lie with the applicant.

- C. **EXPIRATION OF PERMIT:** Following the issuance of a permit, if no substantial start is made in construction within one year of the date of the permit or if work is not substantially completed within two years of the date of the permit, the permit shall lapse and become void.

The Planning Board may grant an extension when it finds the applicant has diligently pursued his obligations under this Ordinance and that an extension is justified by adverse weather, delay in material delivery due to no fault of the applicant, or by other valid reason.

- D **ENFORCEMENT:** It shall be the duty of the Code Enforcement Officer to enforce the provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, or work being done, and abatement of nuisance conditions. A copy of such notice shall be submitted to the municipal officers and be maintained as a permanent record.

The Codes Enforcement Officer shall conduct on-site inspections and insure compliance with this Ordinance and conditions attached to permit approvals. The Codes Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Codes Enforcement Officer, are hereby directed to institute any and all actions and proceedings, wither legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without Court action.

- E **PENALTIES:** Any person, including but not limited to a landowner, a landowner's agent or contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, MRSA, Section 4452.

SECTION 13 APPEALS

An administrative appeal may be taken to the Board of Appeals, within thirty (30) days from the Planning Board's decision on the application for a Manufactured Housing Park, where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by the Planning Board in the Administration of this Ordinance. When errors of administrative procedure or interpretation are found, the case shall be remanded to the Planning Board for correction.

The person filing the appeal shall have the burden of proof.

A decision of the Board of Appeals or the Planning Board may be appealed to court as provided for by State Law.

SECTION 14 DEFINITIONS

ABUTTER: Any persons, corporation, or other entity legally entitled to hold ownership in land which abuts or is within 1000 feet of the proposed project property lines.

ACCESSORY BUILDING OR STRUCTURE: A building or structure which is in addition to or supplements the facilities provided by a habitable building or structure.

BOARD OR PLANNING BOARD: Board or Planning Board shall mean the Town of Norridgewock Planning Board.

BUFFER STRIP: A space which may be occupied only by a fence, landscaping, or natural vegetation.

BUILDING HEIGHT: The vertical distance measured between the average finished grade of the ground at the front of the building and the highest point of the roof, not including chimneys or similar accessory structures.

FOUNDATION: Means all of the following: A full, poured concrete or masonry foundation; a poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor; a reinforced, floating concrete pad for which a registered professional engineer's or architect's certification is provided; or any foundation which a registered professional engineer or architect certifies is suitable for placement on soil with high frost susceptibility.

FRONTAGE: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

LANDSCAPING: Landscaping includes, but not limited to grass, shrubs, trees, or other comparable cover and any existing vegetative cover.

LOT COVERAGE: The percentage of the lot covered by all buildings.

MANUFACTURED HOUSING: Means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For the purposes of this ordinance two types of manufactured housing are included.

1. Those units constructed after June 15, 1976, commonly called "new mobile homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which in the traveling mode, are 14 body feet or more in width and are 750 or more square feet, and which are built on permanent chassis and designed to be used as dwellings, with or without utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph, except the size

requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

2. Those units commonly called “modular homes,” which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including plumbing, heating, air conditioning or electrical systems contained therein.

MANUFACTURED HOUSING PARK: A parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured housing units.

MANUFACTURED HOME LOT: The area of land on which an individual manufactured home is situated within a manufactured housing park and which is reserved for use by the occupants of the dwelling unit.

MANUFACTURED HOUSING SUBDIVISION: A parcel of land approved by the municipal reviewing authority under subdivision review for the placement of manufactured housing units on individually-owned lots.

MANUFACTURED HOUSING UNIT STAND: Area a manufactured home lot which has been reserved for the placement of a manufactured housing unit.

MINIMUM LOT SIZE: The land area of a parcel not including the area of any land which is: part of a right-of-way for a thoroughfare or easement, such as but not limited to, surface drainage easements or traveled rights-of-way (but not including utility easements servicing that lot); or which is wetlands.

OPEN SPACE USE: A use not involving a structure, earth moving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird or other wildlife habitat.

PARKING SPACE: An area of (200) two hundred square feet (10 feet wide by 20 feet long) exclusive of drives or aisles for the parking of vehicles.

PERSON: Person shall mean any individual, group of individuals, firm, corporation, association, partnership, or private or public entity, including a district, county, city, town or other governmental unit or agent thereof; and, in the case of a corporation, any individual having active and general supervision of the properties of such corporation.

PITCHED, SHINGLED ROOF: A roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.

SETBACK: The horizontal distance from a lot line to the nearest part of a structure.

SKIRTING: Weather-resistant material used to enclose the space from the bottom of the manufactured housing unit to grade.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the

ground, including buildings , car ports, decks and other building features, but not including signs, sidewalks, fences, patios, driveways, and parking lots.

SUBSTANTIAL COMPLETION: Seventy-five percent (75%) of the permitted project is constructed.

SUBSTANTIAL START: Completion of 30% of permitted structure or use as a percentage of estimated total cost.

UNDUE HARDSHIP:

1. That the land in question cannot yield a reasonable return unless a waiver is granted;
2. That the need for a waiver is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. That the granting of a waiver will not alter the essential character of the locality; and
4. That the undue hardship is no the result of action taken by the applicant or a prior owner.

UNUSABLE LAND: An environmentally sensitive area which if disturbed or destroyed can adversely affect unique ecological balances in the environment. Although specific areas require a case-by-case analysis, the following factors may be included in the determination of unusable land:

1. Areas with slopes in excess of 25%;
2. Areas of very poorly drained soils as identified by a registered Maine Soil Scientist or by the most current edition of the “Soil Survey, Somerset County, Maine”, Soil Conservation Service;
3. Any area identified as a wetland area as defined by the State of Maine;
4. Any area within the 100 year flood zone as delineated by the Federal Emergency Management Agency; and
5. Unique wildlife areas as identified during the Review Process.

YARD: The area between a structure and the property boundary.

YARD, FRONT: An open space extending the width of a lot from sideline to sideline, between the front lot line, and the nearest part of the dwelling unit on the lot.

YARD, REAR: An open space extending the width of a lot from sideline to sideline, between the rear lot line, or the corner of a triangular lot farthest from the front line, and the nearest part of a building on the lot. A corner lot has no rear yard.

YARD, SIDE: An open space extending along a side line of a lot from the front yard to the rear yard between the sideline and the nearest part of a building on the lot.

Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Town of Norridgewock

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

A True Attest Copy:

Sharon Dodge, Town Clerk

Date

TOWN OF NORRIDGEWOCK
MASS GATHERING ORDINANCE
(REVISION ADOPTED MARCH 7, 2016)

ARTICLE I - TITLE, AUTHORITY AND PURPOSE

Sections 101- 402

Section 101. TITLE

This Ordinance shall be known as and may be cited as the Mass Gathering Ordinance of the Town of Norridgewock.

Section 102. AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town of Norridgewock in accordance with the provisions of 30-A M.R.S.A. Section 3001.

Section 103. ADMINISTRATION

- 1) *The Planning Board of the Town of Norridgewock shall be the Review and Permitting Authority of this Mass Gathering Ordinance;*
- 2) *The Board of Selectmen shall be the Enforcement Authority for this Mass Gathering Ordinance.*

Section 104. STATEMENT OF PURPOSE

The Town of Norridgewock recognizes that unregulated mass gathering events pose a potential threat to the health, safety and welfare of the Norridgewock community. The specific purposes of this Ordinance are as follows:

- 1) To ensure that large numbers of patrons as defined by this Ordinance do not Overtax the municipal roadways leading to the location where the mass gathering event shall be held;
- 2) To allow the safe passage of emergency vehicles, to reduce the incidence of delays of private individuals using the public roadway system throughout Town, and to prevent the obstruction of entrances to private homes and businesses so as to allow access to the same by the general public;
- 3) To ensure for the provision of adequate lodging, camping, parking, food, water, medical services, and sanitary facilities for those in attendance at any mass gathering event;
- 4) To prevent trespass and damage to private properties near and around the mass gathering event;
- 5) To provide for sufficient security forces to cope with large crowds expected that such events and to prevent the violation of any breach of the peace, including but not limited to the illegal consumption of alcohol and drugs.
- 6) To maintain and secure the use and peaceful enjoyment of property owners and their private homes, and to regulate the unwanted creation of noise, dust, glare, odor, congestion or

otherwise that negatively impacts said peaceful use of personal properties caused by unauthorized intrusions;

- 7) To eliminate the possibility of the creation of hazards to the health, safety and welfare of both private citizens and patrons of the mass gathering event; and
- 8) To provide a balance between the right of assembly under the Constitution and the legitimate rights of privacy of residents of Norridgewock.
- 9) To ensure that the Town is held harmless from any and all liability issues pertaining to financial and legal burdens based on the potential negative impact on municipal services, infrastructure and resources.

ARTICLE II - DEFINITIONS

Terms used in this Ordinance are defined as follows:

Any term not defined shall have its common, ordinary meaning.

Section 201. Abutter

"Abutter" means any person whose property adjoins or is directly across the street or stream from the land that will be directly affected by the proposal under consideration.

Section 202. Board of Selectmen

"Board of Selectmen" means the duly elected Board of Selectmen of the Town of Norridgewock. The Board of Selectmen shall be the enforcement authority under this Ordinance.

Section 203. DHS

"DHS" means the State of Maine Department of Human Services.

Section 204. Evidence

"Evidence" when used in this Ordinance shall mean written documentation.

Section 205. Mass Gathering Area

"Mass gathering area" means a place, public or private, maintained, operated or used for or in connection with a mass outdoor gathering.

"Mass gathering area" also includes all camping areas used primarily or exclusively in connection with the mass gathering and those camping areas need not be contiguous.

Section 206. Mass Outdoor Gathering

"Mass Outdoor Gathering" means an actual or anticipated assembly of more than 1,000 people occurring mostly outdoors but includes a temporary site and whose assembly at the mass gathering area continues or is reasonably expected to continue for more than eight consecutive hours. A mass outdoor gathering includes all

congregations and assemblies organized or held for any purpose, but do not include assemblies at permanent sites designed or intended for use by a large number of people. Mass gathering area also includes all camping areas used primarily or exclusively in the connection with the mass gathering and those camping areas need not be contiguous with the event site. A "permanent site" means a stadium, an arena, an auditorium, a coliseum, a fairground or other established sites for assemblies with sufficient permanent water and sanitary facilities as described in *Section 501-G (Water Supply) and Section 501-H (Sanitary Facilities) of Article V*. To determine whether a mass outdoor gathering extends for more than eight consecutive hours, the 8-hour period begins when people are first permitted at the mass gathering area and ends when people in attendance are expected to depart.

Section 207. *M.R.S.A.*

"M.R.S.A." means the Maine Revised Statutes Annotated.

Section 208. *Nuisance*

The following shall be defined as nuisances:

- (a) Any public nuisance known at common law or in equity jurisprudence;
- (b) Any attractive nuisance known at common law or in equity jurisprudence;
- (c) Any condition that violates federal, state or local health or environmental laws or regulations.

Section 209. *Operator*

"Operator" means a person who holds, stages, sponsors or promotes an outdoor mass gathering. The operator also means the person responsible for the managing of the mass outdoor gathering area and, if no person is responsible, the operator means the owner, lessee or possessor of the real property upon which the mass outdoor gathering takes place.

Section 210. *Permanent Site*

"Permanent Site" means a stadium, an arena, an auditorium, a coliseum, a fairground or other established sites for assemblies with sufficient permanent water and sanitary facilities.

Section 211. *Planning Board*

"Planning Board" means the duly elected Planning Board of the Town of Norridgewock. The Planning Board shall be the Review and Permitting Authority under this Ordinance.

Section 212. *Refuse*

"Refuse" means all combustible or non-combustible putrescible or non-putrescible solid or liquid waste.

Section 213. *Sanitary Facilities*

"Sanitary Facilities" means toilets, vault privies, lavatories, urinals, drinking fountains, and service buildings or rooms provided for installation and use of these units.

Section 214. *Temporary Site*

"Temporary Site" means a site erected or located for temporary or nonpermanent use.

Section 215. *Ticket*

A "Ticket" means any receipt, stamp, or token of eligibility to attend the Mass Gathering whether or not a piece of paper or other physical evidence of payment is issued to the patron.

Section 216. *Town*

"Town" means the Town of Norridgewock, Maine.

Section 217. *Variance*

"Variance" is the relaxation of the strict requirements of this Ordinance.

Section 218. *Water District*

"Water District" means the Norridgewock Water District.

ARTICLE III - PERMITS REQUIRED

Section 301.

No person, corporation, partnership, association, or entity of any kind shall sponsor, promote, or conduct a Mass Gathering until all necessary permits have been obtained, when applicable. The necessary permits are:

- (a) A permit from the Town, pursuant to this Ordinance.
- (b) A permit from the Maine State Department of Human Services, pursuant to Title 22 M.R.S.A., Chapter 1601-1602 and regulations promulgated there under.
- (c) A "B.Y.O.B." or other appropriate permit pursuant to Title 28-A M.R.S.A., Chapter 163, is required if the Mass Gathering allows the consumption of alcoholic beverages on the premises.
- (d) A permit for a campground from the Maine Department of Human Services, pursuant to Title 22, M.R.S.A., Section 2491 to 2501, and regulations, promulgated there under.
- (e) All other permits required by state law, rules promulgated under state law and other permits required by this Ordinance.

ARTICLE IV - TOWN OF NORRIDGEWOCK PERMIT PROCESS

Section 401. Written Application (Revised February 20, 2003)

An application for a permit to hold a Mass Gathering shall be filed with the Planning Board of the Town of Norridgewock not less than One Hundred and Twenty (120) days before the date of the Mass Gathering, in order for the Planning Board to deem it complete within 90 days. The application shall be accompanied by a non-refundable check or money order made payable to the "Town of Norridgewock", according to the following:

The applicant must pay a non-refundable one hundred fifty dollar (\$150.00) fee. In addition to the non-refundable application fee, the applicant shall also pay such other costs as advertising, public hearings, land abutter notices, technical and professional costs to review the application and time, and staff time, as deemed necessary by the Town of Norridgewock. Only the application fee may be waived at the discretion of the Planning Board if said fee is for a non-profit organization for the Town of Norridgewock.

For each event planned in a "multi-event" proposal, multiple applications may be filed with the Town at the same time, but each request shall require a separate application and a separate filing fee for each event planned.

Section 402. Public Hearing

Within thirty (30) days of the filing of a complete application, the Planning Board shall hold a public hearing to consider the issuance of the permit. Upon receipt of the application, the Planning Board may also send a copy of the application to the Department of Human Services, the County Sherriff, and State Police and request their presence at the public hearing. Based upon a list of abutters determined by the Town, the applicant shall notify all abutters in writing of the Public Hearing by certified mail, return receipt. Notice of the Public Hearing shall also be given by the applicant by posting the same in at least two public places in the Town of Norridgewock, and publishing the same at least once in a newspaper having general circulation in the Town of Norridgewock, at least seven (7) days before the date of the Public Hearing and on the day of the Public Hearing. This notice of the Public Hearing shall contain the date, location, number of expected attendees, and a general description of the event, as well as the date and location of the Public Hearing. A copy of the notice shall also be mailed to or served upon the operator.

Section 403. Issuance of Permit

Within fourteen (14) days of the conclusion of the public hearing the planning board will make a decision on the permit. This timeline can be extended by mutual agreement of the applicant and planning board. If the permit is granted, all assurances made and obligations assumed by the operator shall become conditions of the permit. In issuing the permit, the planning board may impose such additional conditions as may be necessary to assure compliance with this ordinance. If the permit is denied, the planning board shall issue written reasons for the denial within seven days of the public hearing.

Section 404. Plans; Cooperation

In its review of applications for permits for the holding or promoting of Mass Gatherings, the Planning Board shall require such plans, specifications, and reports as it shall deem necessary for a proper review. In its review of such applications, (**Article V**), as well as carrying out its other duties and functions in connection with such a gathering, the Planning Board may require such cooperation and assistance as may be deemed necessary and proper from all public officers, departments and agencies of the Town of Norridgewock. The Planning Board shall work with the Department of Human Services, the Maine State Police, the Somerset County Sheriff's Office, the Bureau of Liquor Enforcement, the Regional Fire Warden, the Department of Transportation and any other local, state or federal officials to insure that Town concerns regarding fire protection, police protection, traffic control, and any other matters as may affect the security of the public health and safety are adequately addressed.

Section 405. Variance

In any case in which strict compliance with the terms of this ordinance will cause the applicant to suffer undue hardship and the Planning Board have reasonably determined that waiving strict compliance with the terms of this ordinance will not compromise its enforcement or the accomplishment of its purposes, they shall issue a variance specifying in writing its terms and the reasons why it has been granted.

Section 406. Permit Denied: Appeal

An applicant who has been aggrieved by the Town of Norridgewock's decision to deny a permit under this Ordinance may appeal to the Town of Norridgewock Board of Appeals. The appeal must be filed with the Board of Appeals no later than thirty days from receipt of the written reasons for the denial of the permit.

ARTICLE V - PERMIT APPLICATION

A - PERMIT STANDARDS

Section 501-A. Contents of Application

The permit application submitted pursuant to Section **401, Article IV**, shall be on the application form prescribed by the Planning Board and shall include no less than all of the information required under 501-B to be considered a completed application.

Section 501-B. Description

The application shall include a description of the proposed event. A statement of the number of persons expected to attend the event together with the maximum number of tickets that will be made available, if tickets are issued. PERSONS NOT HOLDING VALID TICKETS FOR AN EVENT FOR WHICH TICKETS HAVE BEEN ISSUED SHALL NOT BE PERMITTED TO ATTEND.

The application shall also provide site map(s) of the area, at a scale of no more than 100 feet to the inch, showing the following:

1. The location and number of all proposed toilets.
2. The location and number of all lavatory and bathing facilities.
3. The location and number of water supply sources.
4. The location and size of the assemblage area(s).
5. The location of the food service area(s).
6. The location and size of the camping areas, and number of campsites.
7. The onsite ingress and egress of pedestrian and vehicular traffic. (See Section 50 I-C)
8. The offsite ingress and egress roads. (This map may be a Maine Gazetteer or USGS Topographic Map)
9. The collection of refuse disposal facilities and collection facilities.
10. The location and size of the parking areas, including the number of parking spaces.
11. The location of all traffic control personnel.
12. The location of the first aid facilities.

All facilities required by this Ordinance shall comply with the regulations promulgated by the DHS pertaining to Mass Gatherings. When offsite facilities are to be utilized in order to meet the requirements of this Ordinance, there shall be a notarized affidavit from the property owners who are providing the facilities that is submitted along with the application indicating that they have read the application and understand the scope and nature of the Mass Gathering. The affidavit shall also state that permission is given to use such property.

Section 501-C. Access

Written documentation shall be provided to show that provisions for access for the ingress and egress of pedestrians and vehicular traffic shall be maintained, and that all public roadways in the proximity of the Mass Gathering will be adequately staffed with certified traffic control personnel to insure public safety for the duration of the Mass Gathering.

A detailed plan for controlling traffic shall be submitted, in writing, which shall include:

1. A description of the routes which persons attending the event are likely to take.
2. The number, and assigned location of persons who will be present to direct traffic at the site both before and after the event. UNDER NO CIRCUMSTANCES, SHALL PRIVATE CITIZENS BE ASSIGNED THE DUTY OF DIRECTING TRAFFIC ON PUBLIC ROADS. **Proof of certification that an individual is certified to direct traffic shall be provided.**
3. A written description of what means will be available to remove disabled vehicles from locations where their presence will obstruct the free flow of traffic, including a written statement by any private towing agencies that their towing services will be available.
4. A written description of parking shall be provided, specifying the location of all roads and parking lots.
 - a. Width of service roads shall be at least twelve (12) feet for one traffic lane, twenty-four (24) feet for two traffic lanes, and seven (7) feet for parallel parking lanes.
 - b. There shall be at least one (1) parking space for every four (4) persons and the density shall not exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.

- c. Parking shall comply with Federal regulations regarding the Americans With Disabilities Act (28 CFR Part 36 Revised July 1994 Section 4.1.2(5)(a)(b)).

Section 501-D. Medical

The applicant shall demonstrate, in writing: How emergency medical services will be provided, and further demonstrate coordination with the manager of the ambulance facility serving the Town of Norridgewock. All necessary personnel shall be licensed by the State of Maine, as either Physician Assistant, Registered Nurse, or Emergency Medical Technician. A First Aid building, tent, or ambulance, duly licensed by the State of Maine, shall be available on site during the entire time of the Mass Gathering. Telephone and radio communications shall be provided and kept available for emergency purposes. The operator of the Mass Gathering shall contact area hospital(s), advise them that a Mass Gathering shall be held, and inform them of the expected attendance of the event. A written acknowledgement from the area hospital(s) shall be submitted as part of the application.

Section 501-E. Law Enforcement

Evidence shall be provided, in writing, that certified security personnel, licensed pursuant to 32 M.R.S.A. Sections 9401 through 9417, shall be on duty near and within the assembly site area and that the Town authorized officials have approved the same. A MINIMUM OF AT LEAST TWO (2) MAINE CRIMINAL JUSTICE ACADEMY CERTIFIED LAW ENFORCEMENT OFFICERS, (NOT INCLUDING PERSONS CONCERNED SOLELY WITH TRAFFIC CONTROL) SHALL BE ON SITE FOR EACH ONE THOUSAND (1,000) PERSONS IN ATTENDANCE.

Should, for any reason, the Maine Criminal Justice Academy personnel be unavailable and/or cannot be assigned by the appropriate enforcement agency, the Planning Board shall consider the assignment of two (2) bonded security personnel to fulfill this requirement.

If deemed necessary in the interest of public safety, the Board of Selectmen shall have the authority to require that additional law enforcement and/or security personnel be at the Mass Gathering and shall require the permittee to allow reasonable inspections by law enforcement personnel to perform compliance checks.

Section 501-F. Fire Protection

Written documentation shall be provided that the Norridgewock Fire Chief has accepted Mass Gathering plans as meeting fire protection concerns. If, in his judgment, the conditions that exist at the Mass Gathering area constitute an unsafe environment, the Fire Chief shall recommend that the Planning Board deny the issuance of a Mass Gathering permit. If the Fire Chief should so determine, fire prevention equipment shall be present at the site of the Mass Gathering.

In addition, written documentation shall be provided that the Regional Forest Ranger has inspected the site and assessed the forest fire hazard. IF CONDITIONS WARRANT, THE REGIONAL FOREST RANGER SHALL HAVE THE AUTHORITY TO IMPOSE A BAN ON ANY AND ALL FIRES DURING THE MASS GATHERING.

The Mass Gathering electrical system or electrical equipment ***shall*** comply with applicable State of Maine Standards and Regulations pursuant to 32 M.R.S.A., Section 17.

Section 50 I-G. Water Supply

Written documentation shall be provided from the operator concerning the source(s) of potable water. Where water is distributed under pressure and flush toilets are used, the water system shall deliver water at normal operating pressure (20 lbs. per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).

Where water under pressure is not available, and non-water toilets are used, at least three (3) gallons of water per person per day shall be provided for drinking and lavatory purposes.

If the Norridgewock Water District is to be utilized as a source of potable water, a written statement for the directors of said water district shall be submitted to affirm that the district has the capacity to provide the necessary quantity of water without adversely affecting the supply to their normal customers.

Transported water shall be obtained from an approved source, and stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the Division of Human Services, Division of Health Engineering.

Section 501-H. Sanitary Facilities

1. A signed contract shall be submitted by the vendor demonstrating that the toilets shall be provided at the rate of one (1) for each one hundred fifty (150) persons attending the Mass Gathering event, and will be kept in a sanitary condition.
2. Sanitary facilities shall be conveniently accessible, well identified and well maintained.
3. Water points or drinking fountains shall be provided at a rate of one (1) per one hundred (100) persons and shall be conveniently accessible, well identified and well maintained.
4. Sanitary facilities shall comply with the Federal Regulations regarding the Americans With Disabilities Act (28 CFR Part 36 Revised July 1994 Section 4.1.2(6)).

Section 501-I. Refuse Disposal

The applicant shall provide, in writing, a description of the number, type, and location of refuse facilities including a statement as to when and how the accumulated refuse will be picked up, by whom, and to what facilities it will be taken. The operator shall provide written proof that refuse containers will be readily accessible throughout the Mass Gathering area, and that at least one (1) fifty-gallon refuse container or equivalent shall be provided for each one hundred (100) persons expected to attend the Mass Gathering. THE OPERATOR SHALL BE RESPONSIBLE FOR ALL FEES ASSOCIATED WITH THE CLEANUP AND DISPOSAL OF REFUSE RESULTING FROM THE MASS GATHERING.

1. All refuse shall be collected from the Mass Gathering area at least once every day of the Mass Gathering and disposed of in an approved area.
2. The Mass Gathering area and immediate surrounding properties shall be cleaned of refuse within twenty-four (24) hours following the Mass Gathering.

Areas where cars and Recreational Vehicles (RVs) or buses are parked shall have rubbish disposal facilities at the rate of one (1) for every twenty-five (25) cars, RVs or buses.

Section 501-J. Containment

The operator of the Mass Gathering shall have the means to discourage the presence of persons not holding tickets from trespassing on private property in the vicinity of the event. In conformance with the State Department of Human Services requirements, the operator shall provide provision for preventing people in excess of the maximum permitted number from gaining access to the Mass Gathering area. These provisions shall include the following:

1. A written statement that persons not holding valid tickets shall not be permitted to remain on property under the operator's control in the vicinity of the event.
2. Written authorization to police to arrest persons not holding valid tickets who are trespassing on property owned or under the control of the operator in the vicinity of the event. Upon issuance of the permit, the operator authorizes police officers to enter upon any property under the operator's control in order to enforce compliance of all laws.
3. A written description of the means that shall be used to publicize the fact that the event has been sold out or is cancelled. If this occurs, and that persons not holding tickets are trespassing on private property near the scene of the event shall be subject to arrest.

Section 501-K. Promotion

A detailed description, in writing, shall be provided of the methods being used to publicize the event.

Section 501-L. Compliance Check

The operator of any Mass Gathering with an expected attendance of more than one thousand (1,000) persons shall have all facilities in place and subject to inspection by the Planning Board or their *designated* inspection committee a minimum of twenty-four (24) hours prior to the scheduled commencement of the event.

Section 501-M. Grounds

1. The assembly area should be adequately lighted but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
2. Light level intensities should be at least five-foot candles.
3. There should be at least twenty (20) square feet per person at the site for daytime assemblage and at least forty (40) square feet per person for overnight assemblage.
4. A written detailed description of location and light level intensities shall be provided.

Section 501-N. Noise

The maximum permissible sound pressure level of any continuous, regular or frequent, or intermittent source of sound produced by any activity for the purposes of this Ordinance shall be as follows:

9:00 AM to Midnight	70dB(a)
12:01 AM to 6:00 AM	30dB(a)
6:00AM to 9:00AM	45dB(a)

Sound pressure level limits using the sound equivalent level of one minute (leq) (measured in dB(a) scale). Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI SI 4-1964) American Standards Specification for General Purpose Sound Level Meters and be calibrated or certified. Sound pressure level measurements shall not exceed the above limits when measured at the property of an abutter to the mass outdoor gathering as defined in section 201, or another effected property owner not an abutter.

B - REVIEW STANDARDS

Section 502-A. Board's Determination

In determining whether to grant or deny the permit, the Permitting Authority shall consider all of the criteria included in but not limited to sections 501-B to 501-J, 501-M, 501-N

1. An adequate and satisfactory water supply and facilities.
2. Adequate refuse storage and disposal facilities.
3. Adequate sleeping areas and facilities.
4. Adequate medical supplies and care.
5. Adequate fire protection.
6. Adequate police protection.
7. Adequate traffic control.
8. Adequate liability insurance.
9. Adequate protection for public water supply, if deemed necessary by the Board of Directors of the Norridgewock Water District.
10. Any additional matters as may affect the security of the public health or safety.

Section 502-B. Medical

The numbers and schedules of Emergency Medical Technician personnel and ambulance needed will be determined by the manager of the ambulance facility serving the Town of Norridgewock.

Section 502-C. State and Local Requirements

The operator of the Mass Gathering must comply with all laws and regulations of the State of Maine and the Town of Norridgewock, which pertain to the event in question as stipulated in Section 301. Copies of all such licenses and permits shall be filed at the time of submittal of the completed application. The Permitting Authority shall have the authority to issue requirements more stringent than the requirements of Title 22 M.R.S.A., Chapter 265.

ARTICLE VI - LIABILITY INSURANCE AND PUBLIC COSTS

Section 601. Liability Insurance

At the time of submittal of the completed application, the operator shall furnish to the Permitting Authority a written certificate of insurance issued by a licensed insurance company of the State of Maine, providing liability coverage in the amount of at least four hundred thousand dollars (\$400,000.00) with respect to the injury or death of one or more persons in connection with the Mass Gathering. Such insurance policy shall also provide coverage for property damage in the amount no less than a minimum amount of two hundred fifty thousand dollars (\$250,000.00). The insurance policy in question shall contain a provision requiring that at least ten (10) days' notice be given to the Permitting Authority prior to cancellation. If such cancellation occurs prior to the event, the permit issued by the Permitting Authority is void.

Section 602. Security Bond for Town Costs

The operator of the Mass Gathering shall provide a cash deposit to the Town, which amount shall be determined by the Board of Selectmen, but in no event shall be less than three thousand (\$3,000) dollars. A permit shall not be issued until receipt of said deposit.

Section 603. Liability for Town Costs

Town costs shall be those incurred by the Town in connection with the Mass Gathering which relates to any adverse consequences due to the Mass Gathering, and which would not have been incurred by the Town if such Mass Gathering were not held. Such costs shall include but not be restricted to: road signs, damage to Town roads or ditches, or any other adverse consequences to any public facilities or works, such as the Municipal Water Supply. Town costs shall also include the cost of hiring police personnel (including the County Sheriff) and equipment to oversee the Town's interests in ensuring the public safety and enforcing the conditions of this Ordinance. Within thirty (30) days after the Mass Gathering, the Town costs shall be calculated, and the deposit shall be refunded to the operator to the extent it exceeds the actual Town cost. If the actual Town costs exceed the amount deposited, the operator shall pay the excess to the Town within ten (10) days after being so notified.

ARTICLE VII - INSPECTION

Section 701. Inspection

The **Board of Selectmen** shall appoint an inspection committee that shall consist of the following: One member from the **Board of Selectmen**, one member from the **Planning Board**, the **Code Enforcement Officer** /Health Officer, and one citizen at large, who shall have the right to enter upon the Mass Gathering Area at least twenty-four (24) hours prior to the scheduled event for the purpose of ascertaining that all facilities (water, toilet, parking spots, signs, etc.) are in place and that all conditions of the Mass Gathering Permit have been met.

ARTICLE VIII - REVOCATION OF PERMIT

Section 801. Revocation

The **Board of Selectmen** shall revoke the permit at any time prior to the date of the scheduled event if the operator has failed to comply with any of the commitments made in the application, or the requirements of this ordinance, or if the operator has failed to secure any other license or permit required by the Town of Norridgewock or any government agency in order to hold the Mass Gathering on the proposed site.

Except in cases of an emergency, the **Board of Selectmen** shall revoke a permit only after giving notice to the operator of the reasons for the proposed revocation and providing an opportunity to be heard with respect thereto. Written notice of the reasons for the revocation shall be delivered to the operator or their agent, personally or by expedited mail service.

ARTICLE IX - LIMITATIONS ON FREQUENCY OF EVENTS

Section 901. Limitations

No more than one (1) permit under this ordinance shall be issued to any single operator or group, within any 30-day period, for an event for which more than one thousand (1,000) persons are reasonably expected to attend.

ARTICLE X - PENALTIES

Section 1001. Penalties

Any person who violates any provision of this ordinance or any condition of a permit issued pursuant to this ordinance shall be subject to the enforcement provisions of Title 30-A, section 4452 including, but not limited to, injunctive relief, civil penalties, attorney's fees and costs. The Board of Selectmen or its designated agent shall enforce this ordinance.

ARTICLE XI - WAIVERS

Section 1101. Waivers

The Planning Board may grant a waiver of a provision, or provisions, of this ordinance as provided by State law and local ordinances.

ARTICLE XII - SEVERABILITY

Section 1201. Severability

Each part of this Ordinance is severable and; if any phrase, clause, sentence, or provision is declared to be contrary to law, the validity of the remainder shall not be affected thereby unless the application of any remaining portion of the Ordinance would result in action being taken which is inconsistent with the objective of this Ordinance.

ARTICLE XIII - AMENDMENTS

Section 1301. Amendments

This Ordinance may be amended by a majority vote at the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of ten percent (10%) of the votes cast in the last gubernatorial election of the Town. The Planning Board shall conduct a Public Hearing on any proposed amendment.

ARTICLE XIV - EFFECTIVE DATE

Section 1401. Effective Date

This Ordinance shall take effect immediately upon adoption of the same by the Town of Norridgewock, dated March 7, 2016.

True Attested Copy

Adopted at Town Meeting, March 7, 2016

Sharon M. Dodge, Town Clerk

TOWN OF NORRIDGEWOCK
OBSCENITY ORDINANCE

Section 1 – Definitions.

1. As used in this Chapter, the following words shall have the following meanings:

A. “Obscene” means material or a performance that:

- (1) the average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
- (2) depicts or describes:
 - (a) patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - (b) patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
- (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

- B. “Material” means anything tangible that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound, or in any other manner, but does not include an actual three-dimensional obscene device.
- C. “Performance” means a play, motion picture, dance, or other exhibition performed before an audience.
- D. “Patently offensive” means so offensive on its face as to be intolerable to the average person, applying contemporary community standards.
- E. “Prurient interest in sex” means a shameful or morbid interest in sex..
- F. “Promote” means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.
- G. “Wholesale promote” means to manufacture, issue, sell, provide, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purpose of resale.

H. "Obscene device" means a device including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs.

2. If any of the depictions or descriptions of sexual conduct described in this section are declared by a court of competent jurisdiction to be unlawfully included herein, this declaration shall not invalidate this section as to other patently offensive sexual conduct included herein.

Section 2 – Obscenity.

1. A person commits an offense if, knowing its content and character, he wholesale promotes or possesses with intent to wholesale promote any obscene material or obscene device.
2. An offense under Subsection 1. of this section is punishable by a penalty of not less than \$50.00 nor more than \$500.00. Each day an offense under subsection 1. continues shall be a separate offense

MODEL PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Administration by the Efficiency Maine Trust

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, "An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act"; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy ("PACE") Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the Town of Norridgewock declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town. The City/Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The Town enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Ordinance shall be known and may be cited as “the Town of Norridgewock Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
 - A. Will result in increased energy efficiency and substantially reduced energy use and:
 - (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy, Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
 - B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
2. **Municipality.** “Municipality” shall mean the Town of Norridgewock.
3. **PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
5. **PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. **PACE loan.** "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. **PACE program.** "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
9. **Qualifying property.** "Qualifying property" means real property located in the PACE district of the Municipality.
10. **Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
11. **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

1. **Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.
2. **Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. **Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. **PACE Administration Contract.** Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Approved
3/3/14

Attested:
Kemi Euntz
Town Clerk

PROPERTY ASSESSED CLEAN ENERGY (PACE) ADMINISTRATION CONTRACT

THIS Property Assessed Clean Energy (PACE) Administration Contract (the "Contract") is entered into this 19th day of March, 2014, by and between the Town of Norridgewock a municipal corporation duly organized and existing under the laws of the State of Maine whose mailing address is PO Box 7 (the "Municipality") and the **Efficiency Maine Trust**, a legal entity and instrumentality of and a body corporate and politic under the laws of the State of Maine (the "Trust"). The foregoing also are referred to herein collectively as the "Parties" or singly as "Party."

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, "An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act"; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy ("PACE") Ordinance to establish a PACE Program, so that owners of qualifying property can access financing for energy saving improvements to their properties located in the municipality; financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE Program; and

WHEREAS, the Municipality has adopted a PACE Ordinance; and

WHEREAS, the Parties wish to establish their respective responsibilities in the administration of the PACE Program.

WITNESSETH:

NOW, THEREFORE, for and in consideration of the covenants and conditions set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **DEFINITIONS.** Capitalized terms used in this Contract shall have the meanings given them in 35-A M.R.S.A. §10153 unless otherwise specified herein. In addition, these terms are defined as follows:

1.1. **PACE agreement.** "Pace Agreement" means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE Mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

1.2. PACE District. "PACE District" means the area within which the Municipality establishes a PACE Program under this Contract, which is all of that area within the Municipality's boundaries.

1.3. PACE Loan. "PACE Loan" means a loan made to the owner(s) of a Qualifying Property for an Energy Saving Improvement.

2. **TRUST'S RESPONSIBILITIES.** The Trust shall, itself or through its authorized agents:

2.1. Administration. Administer the functions of a PACE Program which administration shall include, without limitation:

- A. the Trust will enter into PACE Agreements with owners of Qualifying Property in the Municipality's PACE District;
- B. the Trust, or its agent, will create and record a Notice of the PACE Agreement in the appropriate County Registry of Deeds to create a PACE Mortgage;
- C. the Trust, or its agent, will disburse the PACE Loan to the property owner;
- D. the Trust, or its agent, will send PACE Assessment statements with payment deadlines to the property owners;
- E. the Trust, or its agent, will be responsible for collection of the PACE Assessments;
- F. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the PACE Assessment;
- G. the Trust or its agent, promptly shall record the discharge of a PACE mortgage upon full payment of the PACE loan;
- H. the Trust, or its agent, will be responsible for management of federal grant funds; and
- I. the Trust, or its agent, will ensure the collection of data required to quantify carbon savings and to facilitate access to and eligibility for voluntary carbon markets, for federal grants for energy efficiency and for other incentive programs that support Energy Saving Improvements.

2.2. Terms and Conditions. Pursuant to 35-A M.R.S.A. §10154, the Trust may establish terms and conditions under which municipalities and property owners may participate in a PACE Program established thereunder, and the Parties agree that they, the PACE Program hereunder and this Contract are subject to those terms and conditions as amended from time-to-time.

3. MUNICIPALITY'S RESPONSIBILITIES.

3.1. Education and Outreach Programs. The Municipality agrees to adopt and implement an education and outreach program so that owners of property in the Municipality are made aware of home energy saving opportunities, including the opportunity to finance Energy Saving Improvements with a PACE Loan.

3.2. Conformity with Home Energy Savings Program. The Municipality agrees to conform its PACE Program to the requirements contained in the Home Energy Savings Program.

3.3. Acceptance and Disbursement of Funds. The Municipality agrees to accept PACE funds from the Trust and to disburse PACE funds back to the Trust as needed to satisfy the conditions of the federal grants and to allow the Trust to fund and administer a uniform system of municipal PACE Programs throughout the State.

3.4. Assistance and Cooperation. The Municipality agrees to cooperate with the Trust in the administration of the Municipality's PACE Program, including but not limited to, providing information about applicant properties including property tax payment and lien status, taxable value of residential properties in town, and providing reasonable and necessary aid to the Trust for required data collection, recordkeeping and reporting functions relative to the PACE Program in the PACE District, and providing reasonable and necessary support to the Trust's PACE loan, PACE Assessment, and billing and collection functions.

3.5. Conformity. If standards or rules and regulations are adopted by any State or federal agency subsequent to the Municipality's adoption of a PACE Ordinance or participation in a PACE Program and those standards or rules and regulations substantially conflict with the Municipality's manner of participation in the PACE Program, the Municipality, should it desire to continue its participation in the PACE Program, will be required to take necessary steps to conform its participation to those standards or rules and regulations.

4. TERM.

4.1. This Contract is for a period of three (3) years and shall automatically be renewed for additional periods of three (3) years unless either Party provides the other with ninety (90) days' advance written notice of intent not to renew this Contract.

5. TERMINATION.

5.1. Either Party may terminate this Contract for convenience by providing the other with ninety (90) days' advance written notice of termination. On and after the date of termination, the Municipality no longer will have a PACE Program administered by the Trust except for those PACE Loans already secured by PACE Mortgages as of the date of termination.

6. LIABILITY.

6.1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under

or related to a PACE Program established under this Contract, including, without limitation, claims for or related to uncollected PACE Assessments.

6.2. Other than the fulfillment of its obligations specified in a PACE Agreement, the Municipality has no liability to a property owner for or related to Energy Saving Improvements financed under a PACE Program.

7. MISCELLANEOUS PROVISIONS

7.1 Notices. All notices, demands or other communications made pursuant to this Contract shall be in writing and shall be sent by (i) registered or certified United States mail, postage prepaid, (ii) by overnight courier, or (iii) by facsimile. Such notice shall be deemed effective upon delivery addressed as follows:

To the Municipality:

Town of Norridgewock
PO Box 7
16 Perkins St
Norridgewock, ME 04957
Attn: Town Manager

To the Trust:

Efficiency Maine Trust
151 Capitol Street, Suite 1
Augusta, ME 04330-6262
Attention: Dana Fischer

7.2 Entire Agreement. Modifications. This Contract constitutes the entire agreement of the Parties, and neither Party shall be bound by any statement or representation not contained herein. Except as provided herein, this Contract cannot be changed, amended or modified, except by another agreement in writing signed by all Parties hereto or by their respective successors in interest.

7.3 Headings. The section headings contained herein are for convenience of reference only and are not intended to define, limit, or describe the scope or interest of any provisions of this Contract.

7.4 Severability. If any section, term, covenant, or condition of this Contract or the application thereto to any person or circumstances shall, to any extent be illegal, invalid or unenforceable because of judicial construction, the remaining sections, terms, covenants, and conditions of this Contract, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each section, term, covenant, or condition of this Contract shall be valid and be enforced to the fullest extent permitted by Law.

7.5 Governing Law, Remedies. This Contract shall be governed by and construed in accordance with the laws of the State of Maine. Except as otherwise agreed by the Parties in writing, all disputes, claims, counterclaims and other matters in question between the Municipality and the Trust arising out of or relating to this Contract shall be decided by a Maine court of competent jurisdiction.

7.6 Assignment: Successors and Assigns. This Contract may not be assigned by either Party without the prior written consent of the other Party, which consent shall not be unreasonably conditioned, delayed or withheld. This Contract shall benefit and be binding upon the Parties hereto and their respective permitted successors and assigns.

7.7 Non-Waiver. Except as expressly provided in this Contract, the failure or waiver, or successive failures or waivers on the part of either Party hereto, in the enforcement of any paragraph or provision of this Agreement shall not render the same invalid nor impair the right of either Party hereto, its successors or Contract permitted assigns, to enforce the same in the event of any subsequent breach thereof.

IN WITNESS WHEREOF, the Parties hereto have caused this Property Assessed Clean Energy (PACE) Administration Contract, to be executed by their duly authorized representatives as of the date first set forth above.

MUNICIPALITY

By: Ronald E. Frederick
Signature
Ronald E. Frederick
Print Name
Its: Chairman, Board of Selectmen (Title)

EFFICIENCY MAINE TRUST

By: Michael Stoddard
Signature
Michael Stoddard
Executive Director (Title)

NORRIDGEWOCK DOWNTOWN PARKING ORDINANCE

Section 1. Authority

This Norridgewock Downtown Parking Ordinance (hereinafter referred to as the "Ordinance") is adopted pursuant to 30-A M.R.S.A. Section 3009.

Section 2. Purpose

This Ordinance is designed to protect public health and welfare by regulating the parking of motor vehicles on certain public ways. Unrestricted parking on public ways creates traffic hazards and is dangerous to pedestrians and motorists, and it is the purpose of the Ordinance to reduce this danger.

Section 3. Repeal of Prior Ordinances

Sections two (2) through four (4) of the Parking Ordinances as enacted at the 1971 annual town meeting, to the extent said sections may apply to the Downtown Business District as described herein, are hereby repealed, otherwise, to remain in full force and effect.

Section 4. Regulated Area

The Downtown Parking Ordinance shall apply to the area designated as the Norridgewock Downtown Business District pursuant to that area of Main Street beginning at the intersection of Welch and Depot Streets, and extending southeasterly a distance of 0.185 miles ending about 100 feet southeasterly of the intersection of Route 139 and U.S. Route 2.

Section 5. Definitions

"Motor Vehicle" is any vehicle defined in 29 M.R.S.A. Section 1.

"Public Way" means any town way or public easement as defined in 23 M.R.S.A. Section 3021 and any portion of any State or State-aid highway located within town. This term includes ways commonly designated as streets, lanes, roads and avenues and includes paved or unpaved shoulders of such ways.

Section 6. Parking in the Downtown Business District.

All motor vehicles shall stop, stand or park on either side of the public way of Main Street, and as closely as practicable to the edge of the road or side of the road, and with the side of the street, as laid out by the municipal officers in the central business section, motor vehicles shall parallel park on both sides of the public way along the curb, and between the parking lines as provided.

Section 7. Additional provisions.

No person shall stop, stand or park any motor vehicle in any of the following places:

- (a) On any sidewalk;
- (b) In front of any public or private driveway and within ten (10) feet of any driveway, entrance or approach to the highway;
- (c) Within fifteen (15) feet of a fire hydrant;
- (d) Upon or within twenty (20) feet of any crosswalk so designated by appropriate signs or markings;
- (e) Within twenty-five (25) feet of the intersection of any public way as defined by the terminus of the corner radius of any intersecting public way or road;
- (f) On the north-side of the business district within fifty (50) feet of the entrance to the fire station when properly marked with "No Parking" signs;

- (g) On the roadway side of any other motor vehicle which is stopped or parked at the curb or at the edge of the public way and commonly called double parking;
- (h) In addition, it shall be unlawful to park or stand a motor vehicle within the confines of any public way in the built-up portion of the Town of Norridgewock as defined by law between the hours of twelve o'clock midnight and six o'clock the following morning during the months of November, December, January, February and March except in the case of emergency;

Section 8. Exceptions

This ordinance does not apply to motor vehicles parked in prohibited areas for the following reasons:

- (a) Mechanical problems or breakdowns;
- (b) Emergency situations;
- (c) Maintenance, construction, repair or installation of utilities or the public way by any State or municipal agency or utility company.

Section 9. Penalty

Any person found in violation of this Ordinance by a Court of competent jurisdiction shall be subject to a fine of not more than twenty-five (25) dollars nor less than ten (10) dollars. Persons charged with violating this ordinance may waive court action by payment of a fee of five (5) dollars within seven (7) calendar days after receiving notice of the violation. Any such waiver and payment of fees shall be processed through the local Town Clerk.

Section 10. Declaration of an obstruction in the public way

Any motor vehicle parked upon the public way of Main Street in such a place or manner which is prohibited by this Ordinance, or during any parking ban declared by the Municipal Officers or their designee (provided that a notice of such ban has been given at least four (4) hours prior to the ban to the public by notification to a representative of a radio station or television station serving the area), is hereby declared to be an obstruction in the public way and a menace to the safety of the traveling public.

Section 11. Authority to tow and impound motor vehicles

Any parked motor vehicle which constitutes an obstruction under Section 8 of this Ordinance may, at the request and under the direction of the Municipal Officers or their designee, be towed to a suitable garage or storage space and impounded therein until all towing and storage fees are paid. The towing charge shall directly reimburse the actual cost of towing services and the storage fee shall be five (5) dollars per day for each day the motor vehicle is impounded.

When any motor vehicle is towed pursuant to this Ordinance, the following procedure shall be followed:

1. Notice shall be sent to the registered owner of the motor vehicle by regular first class mail, postage prepaid, within twenty-four (24) hours following the tow; and
2. The Notice shall contain the following information – registration number and a brief description of the motor vehicle; name and address of the person or company who performed the tow; location where the vehicle is stored; the provision (s) of the Ordinance which were violated and resulted in the tow; and the applicable towing fee and storage fee.

Section 12. Enforcement

This Ordinance shall be enforced by the Municipal Officers or their duly appointed designee. Violations of this Ordinance shall be traffic infractions and shall be prosecuted, if necessary, in the Somerset County District Court.

Section 13. Severability

In the event that any portion of this Ordinance is found by a Court to be in valid, the remaining provisions shall continue in full force and effect.

Section 14. Effective Date

This Ordinance shall become effective October 1, 1994

TOWN OF NORRIDGEWOCK
ROAD AND ENTRANCE DESIGN STANDARDS
ORDINANCE

SECTION 1: TITLE

This Ordinance shall be known as the Road Design Standards Ordinance of the Town of Norridgewock, Maine and will be herein after referred to as “this Ordinance”.

SECTION 2: COVERAGES

Road
Major Private Road
Minor Private Road
Common Driveway
Driveway
Temporary Field/Woods Entrance
Permanent Field/Woods Entrance

SECTION 3: AUTHORITY

This Ordinance is adopted pursuant to the provisions of MRSA Title 30-A, Section 3001.

SECTION 4: PURPOSE

- A. To establish minimum specifications for the design and construction of public and private roads and entrances.
- B. To establish minimum requirements for a road to qualify for Town acceptance.
- C. To ensure that safe and sufficient access is provided to all new development within the Town.

SECTION 5: APPLICABILITY

- A. This Ordinance shall apply to the design and construction of all public and private roads and entrances.
- B. Nothing shall prohibit a person from designing and building an access way to meet a category in excess of the current anticipated use.
- C. The Town of Norridgewock will be exempt from the provisions of this Ordinance when the Town undertakes reconstruction of existing Town roads.

SECTION 6: EFFECTIVE DATE

This Ordinance supercedes the existing Road Ordinance of the Town of Norridgewock (adopted by voters on 03/02/1992) takes effect upon enactment by the Town meeting. March 5, 2007 date of Town Meeting.

SECTION 7: CONFLICTS WITH OTHER ORDINANCES

Whenever this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control. This Ordinance is designed to complement applicable State laws and Norridgewock Ordinances.

SECTION 8: VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid such decision shall to invalidate any other section or provision of this Ordinance.

SECTION 9: AMENDMENTS

An amendment to this Ordinance may only be initiated by a majority of a Town Meeting. The Board of Selectmen shall conduct a public hearing on any proposed amendments prior to the Town Meeting.

SECTION 10: AVAILABILITY

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.

SECTION 11: APPLICATION FORMS

The Town of Norridgewock shall develop application forms to be used by all applicants seeking entrance permits.

SECTION 12: APPLICATION FEE

All applications for approval of entrance and road permits shall be accompanied by a non-refundable fee, determined annually by the Board of Selectmen and made payable to the Town of Norridgewock.

SECTION 13: ADMINISTRATION AND ENFORCEMENT

- A. The standards contained in this Ordinance apply to all public and private roads and entrances within the Town initiated after the effective date of this Ordinance.
- B. The Road Commissioner or his agent is authorized to enforce specific provisions of this Ordinance as they apply to review and permits.
- C. After the complete application has been received, the Road Commissioner or his agent shall be responsible for issuing all Access/Driveway Entrance permits as prescribed in this Ordinance; and for conducting inspections as authorized by this Ordinance.
- D. The Planning Board shall be responsible for monitoring the use of this Ordinance as necessary, for ensuring that this Ordinance is properly enforced and for administering the road acceptance application process.

SECTION 14: ROADS AND ACCESS CATEGORIES

All new developments and buildings, located in the Town of Norridgewock, shall have access to a public way provided by one or more road and access categories described below. The type of access shall be selected according to the number of dwelling units, current or proposed. All ways, regardless of whether they are proposed for public acceptance shall conform to the minimum standards established in this Ordinance.

- A. Temporary Field or Woods Entrance: An entrance for temporary access to

- property. A temporary field or woods entrance may not serve a residential dwelling and must be removed within two (2) years.
- B. Permanent Field or Woods Entrance: A permanent entrance for access to property. A Permanent field or woods entrance may not serve a residential dwelling.
 - C. Driveway: May serve no more than one (1) residential dwelling. A common driveway is not eligible for public acceptance.
 - D. Common Driveway: May serve no more than four (4) residential dwellings. A Common driveway is not eligible for public acceptance.
 - E. Minor Private Road: May provide access for up to ten (10) residential dwellings. A minor private road may be eligible for public acceptance if it meets all the standards for a road.
 - F. Major Private Road: May provide access for ten or more residential dwellings. A major private road may be eligible for public acceptance if it meets all the standards for a road.
 - G. Road: May provide access for residential dwellings or commercial properties. A road may be eligible for public acceptance if it meets all the standards set forth herein.
 - H. Public Road: May provide access for residential dwellings or commercial properties. A public road has been accepted by the Town.

Mobile Home Park roads must follow this Ordinance.

Future Upgrades: All new roads and access ways constructed after the effective date of this Ordinance may not serve new development that would exceed the capacity of the road or access category in which they were constructed, unless the road or access way is upgraded as necessary. Nothing in this Ordinance shall be implied to mean that the Town of Norridgewock is required to upgrade a road or access way to meet any new development or traffic demand.

SECTION 15: CONSTRUCTION STANDARDS

- A. General Requirements: All Entrances
 - 1. If culverts are required, they will be purchased and delivered to site at owner's expense. The Road Commissioner, or his agent will determine the size (diameter, length and type) of the culvert. Culverts will meet the State of Maine, Department of Transportation Specifications. Culverts will be installed and maintained by the Town where they are within the right of way of a Public Road. The Town shall size culverts to meet the Maine Department of Transportation and Maine Department of Environmental Protection standards.
 - 2. All drainage features at the intersection of the existing Town roads shall be in accordance with Maine Best Management Practices and shall be approved by the Road Commissioner or his agent.
 - 3. The applicant shall obtain all necessary federal and state permits.

<u>Description</u>	<u>Temporary</u>	<u>Permanent</u>	<u>Driveway</u>	<u>Common</u>
	<u>Field</u>	<u>Field</u>		<u>Driveway</u>
	<u>Entrance</u>	<u>Entrance</u>		
Application fee	Yes	Yes	Yes	Yes
Inspections	Yes	Yes	Yes	Yes
Right of Way	N/A	N/A	N/A	N/A
Travel Way	N/A	N/A	16'	18'
Maximum Grade within 75 feet of intersection:				
	3%	3%	3%	3%
Intersection	90 degrees	90 degrees	90 degrees	90 degrees
Maximum Length	N/A	N/A	N/A	N/A
Erosion Control	Yes	Yes	Yes	Yes
Shoulder Width	N/A	N/A	N/A	N/A
Base Gravel	N/A	N/A	N/A	N/A
Surface Gravel	N/A	N/A	N/A	N/A
Roadway Crown	N/A	N/A	N/A	N/A
Maximum Grade	N/A	N/A	N/A	N/A

All Drives and Field Entrances, temporary and permanent, shall be so located that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the road or to maneuver safely and without interference with traffic. The applicant shall specify the proposed sight distance for all entrances in the application for review by the Town.

B. General Requirements: Roads

Roads shall conform to the Maine Department of Transportation's Highway Design Guide and Standard Specifications and the requirements set forth herein.

1. Design Requirements:

A. Connection to Existing Roads: When a proposed road for a development is expected to generate average daily traffic of 400 trips per day or more, it will have at least two road connections with existing public roads or with roads on an approved subdivision plan for which performance guarantees have been filed and accepted. Any road with an average daily traffic of 400 trips per day, will have at least two road connections to existing public road or roads on an approved subdivision plan for which performance guarantees have been filed and accepted.

B. Design Standards: The following design standards apply according to street classification.

NOTE: These design standards are the recommended Minimum.

<u>DESCRIPTION</u>	<u>ROAD</u>	<u>MAJOR PRIVATE</u>	<u>MINOR PRIVATE</u>	<u>INDUSTRIAL COMMERCIAL</u>
Right of Way Width	60'	50'	40'	60'
Traveled Way Width	24'	20'	18'	24'
Shoulder Width (each side)	2'	2'	NA	3'
Sidewalk Width	5'	NA	NA	5'
Minimum Grade	.5%	.5%	NA	.5%
Maximum Grade*	6%	8%	NA	5%
Minimum Centerline Radius Without Superlev.	280'	280'	175'	400'
With Superlev.	175'	175'	110'	300'
Roadway Crown*	¼ inch per foot		***	¼ inch per foot
Minimum Ditch Back Slope	2 to 1	2 to 1	NA	2 to 1
Minimum Ditch Fill Slope	3 to 1	3 to 1	NA	3 to 1
Ditch Bottom Elevation Below Centerline	36"	36"	NA	36"
Minimum Angle of road Intersections	90 degrees	75 degrees	75 degrees	90 degrees
Maximum Grade within 75' Of Intersection	3%	3%	NA	3%
Curb Radii at Intersection	25'	20'	NA	30'
Minimum right of way Radii At intersections	10'	10'	10'	20'
Minimum drainage ditch /slope Desirable minimum gradient of 1.0%. Never less than 0.5%.				

NOTES: *Minimum grade may be exceeded for a length of 100' or less.

** Roadway crown is per foot of lane width for paved road.

***Gravel surfaces shall have a minimum crown of ½" per foot of lane width.

****Road intersection angles shall be as close to 90 degrees as feasible but no less than the listed angle.

*****The dimension should be based on the turning radii of expected commercial vehicles, but no less than 30'.

- C. The centerline of the roadway shall be the centerline of the right of way.
- D. Dead-End Streets: Dead end streets shall be no more than 1000' long. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60'; outer edge of pavement; 50'; Inner edge of pavement: 34". Where the cul-de-sac is in a wooded area prior to development, a stand of trees can be maintained with the center of the cul-de-sac. Dead-end roads may also provide a permanent "T" or hammer head turn around in lieu of a cul-de-sac. Such a turn around shall be 35' in length and 20' in width at a minimum. The Board may require the reservation of a twenty-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty-foot easement in line with the street to provide continuation of the road where future sub division is possible.

If a waiver is requested for dead-end street lengths longer than 1000' the Board may require additional turn-arounds. Waivers for dead-end streets than 1000' for commercial or industrial purposes will be evaluated based on estimated traffic (trips per day).

E. Grades, Intersections and Sight Distances:

a. Grades of all roads shall conform in general to the terrains, so that cut and fill are minimized while maintaining the grade standards of this Ordinance.

b. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (MPH)	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>
	125'	150'	200'	250'

Stopping sight distance shall be calculated with a height of eye at 3-1/2' and the height of object at 1/2' from the pavement surface.

c. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10' behind the curb line or edge of shoulder, with the height of the eye 3.5', to the top of an object 4.25' above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance	250'	300'	350'	400'	450'	500'	550'

For non-level roadway sections, sight distances should

Be adjusted according to the following chart to compensate

For grade effect:

<u>Increase for Downgrades</u>				<u>Decrease for Upgrades</u>			
<u>Design Speed</u>	<u>Correction in Distance</u>			<u>Design Speed</u>	<u>Correction in Distance</u>		
(mph)	(in feet)			(mph)	(in feet)		
	3%	6%	9%		3%	6%	9%
30	10	20	30	28		10	30
40	20	40	70	36	10	20	30
50	30	70		44	20	30	

Where necessary, corner lots shall be cleared of all growth

And sight obstructions, including ground excavation, to achieve

The required visibility.

4. Cross (four cornered) street intersections shall be avoided

Insofar as possible, except as shown on the Comprehensive Plan

or at other important traffic intersections. A minimum distance of

125' shall be maintained between centerlines of minor roads and 200'

between collectors or a collector and minor street.

- F. Sidewalks: Where sidewalks are to be installed they shall meet the following minimum requirements:
- a. Sidewalks shall be located a minimum of 5' from the curb facing or edge of shoulder if the street is not curbed.
 - b. Sidewalks shall be a minimum of 5' in width.
 - c. Bituminous Sidewalks:
 - i. The "subbase" aggregate course shall be less than 12" thick after compaction.
 - ii. The hot bituminous pavement surface shall be MDOT Plant Mix Grade D constructed in two lifts each no less than 1" compaction.
 - d. Portland Concrete Sidewalks:
 - i. The "subbase" aggregate shall be no less than 12" thick after compaction.
 - ii. The Portland Cement concrete shall be reinforced with 6" square, number 10 wire mesh and shall be no less than 4" thick.
- G. Curbs: Where curbs are to be installed they shall meet the following minimum standards:
1. Granite curbs shall be installed on a thoroughly compacted base of 6" gravel.
 2. Bituminous curbs shall be installed on the base course of pavement. The specified traveled way width shall be measured between the curbs.

SECTION 16: MATERIAL STANDARDS

A. Minimum material thickness shall meet the specifications in the table below, after compaction.

<u>STREET MATERIALS</u>	<u>MINIMUM REQUIREMENTS</u>			
	<u>ROAD</u>	<u>MAJOR PRIVATE ROAD</u>	<u>MINOR PRIVATE ROAD</u>	<u>INDUSTRIAL COMMERCIAL</u>
Aggregate Sub-base Course (Maximum stone size of 6")				
With no base	21"	18"	15"	24"
With base course	18"	15"	12"	20"
Crushed Aggregate Base Course (if necessary)	3"	3"	3"	4"
Hot Bituminous Pavement Surface Course				
Total Thickness	3.5"	3"		5"
Surface Course	1.5 "	1.25"	NA	1.5"
Base Course	2"	1.75"	NA	3.5"
Gravel Surface Course	4"	4"	3"	6"

The Town may also require sub grade geotextile fabric to be installed under the Sub-Base where sub grade soils are excessively wet or have a high clay content.

B. Preparation:

1. Before any clearing has started on the right of way, the center line and Side lines of the new road shall be staked or flagged at 50' intervals.
2. Before grading is started, the area within the right of way necessary for

Construction of the traveled way, shoulders, drainage ways and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

3. All organic materials or other deleterious material shall be removed to a depth of 2' below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of 2' below the subgrade of the roadway. On soils which have been identified by the Somerset County Soil Conservation Service as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of 2' below the subgrade and replaced with material meeting the specifications for gravel aggregate subbase, or a MDOT approved stabilization geotextile may be used.
4. Except in a ledge cut, crossing of a stream or wetland, side slopes shall be no steeper than a slope of 3' horizontal to 1' vertical, and shall be graded, loamed, limed, fertilized and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope of no steeper than 4' vertical to 1' horizontal is permitted.

C. Bases and Pavement

1. The Aggregate of Sub Base Course shall be sand or gravel durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3" square mesh sieve shall meet the following grading requirements:

<u>Sieve Designation</u>	<u>% by Weight Passing Square Mesh Sieves</u>
.25"	25-70%
#40	0-30%
#200	0-07%

Aggregate for the subbase shall contain no particles of rock exceeding 6" in any dimension.

2. If the Aggregate Subbase Course is found to be not fine-gradable because larger stones, then a minimum of 3" of Aggregate Base course shall be screened or crushed gravel of hard, durable particles free from vegetative matter, lumps or balls of clay or other deleterious substances. The gradation of the part that passed a 3" square mesh sieve shall meet the following requirements:

<u>Seive Designation</u>	<u>% by Weight Passing Square Mesh Sieves</u>
.5"	45-70%
.25"	30-55%
#40	0-20%
#200	0-05%

Aggregate for the base shall contain no particles of rock exceeding 2" in any dimension.

- D. Pavement Joints: Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

E. Pavements:

1. Minimum standards for the base layer of pavement shall be the MDOT specifications plant mix grade B with an aggregate size no more than 1" maximum and a liquid asphalt content between 4.8% and 6% by weight depending on aggregate characteristics. The pavement may be placed between April 15th and October 30th, provided the air temperature in the shade at the paving location is 35 degrees Fahrenheit or higher and the surface to be paved is not frozen or unreasonably wet.
2. Minimum standards for the surface binder of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than .75" maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics.

The pavement may be placed between April 15th and November 30th, provided the air temperature in the shade at the paving location is 50 degrees Fahrenheit or higher.

F. Surface Gravel:

Surface gravel shall be placed on top of the aggregate subbase, shall not have stones larger than 2" in size and meet the following gradation:

<u>Sieve Designation</u>	<u>% by Weight Passing Square Mesh Sieves</u>
2"	95-100%
.5"	30-65%
#200	7-12%

SECTION 17: ADDITIONAL IMPROVEMENT AND REQUIREMENTS:

- A. Erosion and Sedimentation Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages. The erosion and sedimentation control plan shall be prepared in accordance with Best Management Practices of the Maine Erosion and Sedimentation Control Handbook for Construction. (Current version).
- B. Drainage: The applicant shall submit evidence demonstrating that the drainage system has sufficient capacity to handle the storm events specified below.

(Note: minimum diameter of culverts is 15")

<u>Roadway</u>	<u>Driveway</u>	<u>Closed</u>	<u>Open</u>
<u>Cross-culvert*</u>	<u>Culvert</u>	<u>System</u>	<u>Channel</u>
50 year	10 year	10 year	50 year

*The designer should check the impacts of a 100 year design flood frequency.

**If the driveway culvert is part of a stream system, design for a 50-year flood frequency. Where necessary, the applicant shall employ use of stormwater detention systems to maintain natural or existing stormwater runoff rates. Calculations and designs shall be performed by professionals experienced in hydrology and storm water management.

1. Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches shall be properly stabilized so that the potential for unreasonable erosion does not exist. The lining of drainage ditches will be based on the maximum gradient of the channel or

ditch and flow velocity. Ditch lining will be designed in accordance with Best Management Practices of the Maine Erosion and Sedimentation Control Handbook for Construction, current version.

In order to prevent road surface drainage from directly entering a stream, river, wetland, or water body, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil or the road and the normal high water mark of a surface water body.

<u>Average Slope of Land Exposed Mineral Soil and Normal High Water (Percent)</u>	<u>Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (ft. along surface of the ground)</u>
0%	25'
10%	45'
20%	65'
30%	85'
40%	105'
50%	125'
60%	145'
70%	165'

Clean-up:

Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right of way. If on-site disposal of the stumps and debris is proposed, the disposal site shall be indicated on the plan and be suitably covered with fill and topsoil, limed, fertilized and seeded.

SECTION 18: PUBLIC ACCEPTANCE PROCEDURE:

- A. All roads and private roads proposed for public acceptance shall comply with the procedures and requirements of this Section.
- B. Roads are eligible for public acceptance if they comply with all of the specifications for a road.
- C. Those applying for public road acceptance shall follow the application procedures outlined in the Town's Subdivision Ordinance.
- D. The Board of Selectmen, with the assistance of the Road Commissioner or committee shall review all proposals for road acceptance and shall make a recommendation to the Town Meeting. The Town shall accept roads only by a vote of the Town Meeting.
- E. A road shall not be eligible for public acceptance unless it complies with all of the requirements of this section.
- F. The Board of Selectmen shall determine that a road is eligible for public acceptance only after it conforms to the following:
 1. The road complies with all of the requirements of this Ordinance.
 2. The road has bituminous surface according to the specifications for a road.
 3. The road has been designed and constructed according to the plans developed by a professional engineer.

4. The road has been inspected by a professional engineer and certified to have been constructed according to the requirements of this Ordinance and the road plan.
 5. The road developer has obtained all applicable permits from the Maine Department of Transportation and the Maine Department of Environmental Protection for the construction of the road.
- G. If the Board of Selectmen determine that the road conforms to all applicable standards, they shall hold a public hearing to discuss the road acceptance. The Board of Selectmen may vote to recommend to the Town that the road be considered for public acceptance.
- H. All costs associated with design, construction and inspection of the road shall be at the Applicant's expense.

SECTION 19: PLAN REQUIREMENTS-ALL ROADS:

The Plans and other graphical representations submitted as part of the application shall be prepared by a Maine Professional Engineer or a Maine Professional Land Surveyor and shall include the following information:

1. All plans, profiles, and cross-sections shall be drawn at a scale of 1"=40' horizontal and 1"=4' vertical.
2. The direction of magnetic north.
3. A plan and profile, typical cross-section views of all proposed road or street construction. Cross-section views shall be taken at 50' intervals.
4. The starting and ending point with relation to established roads, streets or ways and any planned or anticipated future extensions of street. (All terminal points and the centerline alignment shall be identified by survey stationing.)
5. Existing structures and established landmarks within 100 horizontal feet of the proposed centerline of the street.
6. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots and easements.
7. Lots, names and addresses of all owners of abutting property.
8. All natural waterways, watercourses and wetlands in or on land contiguous to the said road.
9. The kind, size, location, profile and cross-section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways.
10. A soil sedimentation and erosion control plan showing temporary and permanent control measures.
11. Curve data for all vertical and horizontal curves shall be the centerline radius, arc length, beginning of curve and end of curve points.
12. All centerline gradients shall be shown and expressed as a percent.
13. All curve and property line radii of intersections.
14. The limits and location of any proposed sidewalks and curbing.
15. The location and size of all existing and proposed overhead and underground utilities, to include but not be limited to the following: (NOTE: when a location is approximate, it shall be noted on the plan as such.)
 - a. Water supply lines and valves;
 - b. Sanitary sewer lines and manholes;
 - c. Storm sewer lines, manholes and catch-basins;
 - d. Telephone lines and poles;

- e. Electrical power lines and poles;
 - f. Fire hydrants; and
 - g. Street lights.
16. The name(s) of each proposed new road or street.
 17. The location of each existing or proposed driveway connecting with the street(s).

SECTION 20: WAIVERS:

Where the Board of Selectmen finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance or where there are special circumstances of a particular site, they may vary these standards provided that such waivers are not contrary to good design, public health, safety and general welfare of the public. In granting a waiver, the Selectmen shall place reasonable conditions on the modified proposal, as they deem necessary, to ensure that the objectives of this Ordinance are met. In no case shall the requirements specified in this Ordinance for gravel and paving thickness be reduced or waived.

TOWN OF NORRIDGEWOCK ORDINANCE
FOR
RESTRICTING VEHICLE WEIGHT ON POSTED TOWN ROADS
AND
TEMPORARY CLOSING OF TOWN ROADS

Section 1. Purpose and Authority

The purpose of this ordinance is to prevent damage to town roads and bridges in the Town of Norridgewock which may be caused by vehicles or excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town roads and bridges, and to reduce the public expense of their maintenance and repair.

This ordinance is adopted by the municipal officers pursuant to 30-A M.R.S.A. Subsection 3009 and 29-A M.R.S.A. Subsections 902 and 1011 after a public hearing.

Section 2. Definitions

The definitions contained in Title 29 M.R.S.A. shall govern the construction of words contained in this ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The municipal officers may temporarily close town roads and either permanently or seasonally impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of town roads and designate the town roads and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any road or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the road or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers.

The notice shall be conspicuously posted at each end of the restricted portion of the road or bridge in a location clearly visible from the travel way. Whenever a restriction

expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

The following vehicles are exempt from this ordinance:

- (a) any two-axle vehicle while delivering home heating fuel;
- (b) any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
- (d) any school transportation vehicle while transporting students;
- (e) any public utility vehicle while providing emergency services or repairs; and
- (f) any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a temporarily closed or posted road or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- (a) no other route is reasonably available to the applicant;
- (b) it is a matter of economic necessity and not mere convenience that the applicant use the road or bridge ; and
- (c) the applicant has tendered cash, a bond or other suitable security running to the town in an amount sufficient, in their judgment, to repair any damage to the road or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the road or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways.

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- (a) the gross registered weight of the vehicle;
- (b) the current and anticipated condition of the way or bridge;
- (c) the number and frequency of vehicle trips proposed;

- (d) the cost and availability of materials and equipment for repairs;
- (e) the extent of use by other exempt vehicles; and
- (f) such other circumstances as may, in their judgment, may be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This ordinance shall be administered and may be enforced by the municipal officers or the Road Commissioner.

Section 7. Penalties

Any violation of this ordinance shall be civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipal officers may seek legal action restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs.

Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

Section 8. Amendments

This ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

This ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

Town of Norridgewock
Board of Selectmen

June C Meres
Zane G Libby
John Doucette
David Lyman
Gloria J Frederick

Date of Enactment: June 16, 1993

Town of Norridgewock ROAD OPENING ORDINANCE

June 10, 2014

Section 1. Purpose.

The purpose of this Ordinance is to require a permit prior to construction work which involves excavating a public road and also to insure that such work is completed in conformance with generally accepted road construction standards.

Section 2. Authority.

This ordinance is enacted pursuant to State law, Title 30-A Section 3001.

Section 3. Permit Required.

Any person, firm, contractor or utility must obtain a Road Opening Permit prior to excavation of any town street and/or way by filling out a street opening application. This application will be made available at the Town Office.

After the application for the permit is completed, the contractor will review the area to be excavated with the Road Commissioner or his/her designee. The owner of the connecting property, as well as his/her contractor, jointly and/or severally shall be the responsible party.

Permits shall only be issued from April 1st to October 30th. Emergency work during the winter season (November 1st to March 31st) may be approved with a winter maintenance plan and fee.

Permits shall also be required for all new driveway entrances onto town roads. Please see the Town of Norridgewock, Road and Entrance Design Standards Ordinance for details.

Town of Norridgewock Departments shall be exempt from this ordinance.

Section 4. Fees and Deposits.

The Norridgewock Board of Selectmen shall have the ability to adjust the fees listed below at any time, as market conditions deem necessary, thus ensuring the appropriate level of protection for the Town of Norridgewock's public roads.

Fee

Before the permit is issued, a non-refundable administrative fee of fifty dollars (\$50.00) shall be paid to the Town of Norridgewock.

Deposit

For excavation and related construction work, the deposit fees shall be as follows:

Pavement Repair –	2.5" = \$ 10 per Square Foot
	3.0" = \$ 12 per Square Foot

Town of Norridgewock
ROAD OPENING ORDINANCE

June 10, 2014

4.0" = \$ 14 per Square Foot

Curb Replacement	\$ 10 per Linear Foot
Driveway entrance	Same fee as State of Maine

**Large scale non-residential projects ~The contractor/owner can request that a portion of the deposit fee be covered by providing a performance bond in the amount of the work and establishing an escrow account in the amount, at minimum, of 10% of the work.

The deposit fees will be returned as provided for in Section 8 unless the contractor/owner decides to have the Town provide the pavement in which case the entire deposit amount will be retained.

An additional deposit shall be required for work completed during the winter season (November 1st to March 31st). This winter maintenance additional fee shall be \$5.00 per sq. foot of excavated area.

Quasi-municipal utilities: Norridgewock Water District shall be exempt from Deposit Fees but are required to pay the permit fee and any costs associated with project inspections.

Section 5. Insurance

The contractor/owner shall provide proof that proper insurance coverage is in place prior to the start of work. This would include but are not limited to General Liability, Property Damage, Workers Compensation, Auto Insurance and Public Liability Insurance of not less than \$500,000. All policies shall name the Town of Norridgewock as additionally insured.

Section 6. Excavation and Backfilling Requirements.

The following requirements must be adhered to unless exceptions or additions are noted on the permit:

- (1) Contractor will provide proper traffic and safety control at all times. The Town of Norridgewock may require a Traffic Control Plan.
- (2) The Town may require the contractor to hire a law enforcement agency for traffic control on certain town roads.
- (3) Unless otherwise approved, one-way traffic will be maintained at all times. With approval from the Road Commissioner, streets may be closed to all traffic for brief periods of time. On those occasions, the contractor/owner shall notify the Somerset County Communications Center, MSAD #54 Bus Garage if school is in session, and the Fire Chief.

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June 10, 2014

- (4) If work cannot be completed in one day, the contractor/owner shall be required to install and maintain barriers and warning devices necessary for the safety of the general public. The barriers and warning devices shall conform to the requirements of the latest edition of the Manual of Uniform Traffic Control Devices.
- (5) Pavement will be excavated by saw cutting along all lines.
- (6) Installation of any sewer lines shall be in accordance with the Town's Sewer Use Ordinance.
- (7) All backfilling of trenches or excavated areas shall be under the supervision of the Road Commissioner or their designee.
- (8) Excavated material, if suitable, may be used as backfill if approved by the Road Commissioner or designee.
- (9) The remainder of backfill shall be of granular material having stones no larger than four (4) inches in diameter and shall be compacted every twelve inch layer.
- (10) No pavement will be placed without prior approval of the Road Commissioner or designee, and shall match existing thickness or 3 1/2" of existing pavement. Whichever is greater.
- (11) Any adjacent or adjoining pavement damaged by contractor will be cut out and replaced as so directed by the Road Commissioner or designee.
- (12) It shall be the contractors (contractor/owner) responsibility to comply with the latest Occupational Safety and Health Administration (OSHA) standards for all construction work.

Section 7. Completion of Work

The contractor/owner will be required to execute and complete the work in a diligent manner. The completion date to shall be determined before permit issued. Completion dates may be extended, upon written request to the Road Commissioner due to inclement weather or unforeseen circumstances.

Section 8. Acceptance.

- (1) Except as noted in (2) below, upon review and acceptance by the Road Commissioner, and after 90 days from the completion of the work, 90% of the deposit shall be refunded. If any part of the work is found to be defective, the contractor/owner shall be given a 24 hour deadline to correct the problem(s). If the corrective work is not completed within

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that time period, the deposit shall be forfeited and the town authorized to complete the work.

- (2) To ensure quality of work and warranty of placed materials. All non-residential work meaning and intending work not for the benefit of a single private Norridgewock citizen will be subject to performance bonds and/or retainage of 20% of the deposit for a length of time equal to a minimum of 1 year from date of completion. Remaining 10% deposit to be returned upon review and acceptance by the Road Commissioner after the 1 year period.

Section 9. Exceptions.

Any emergency for street or road excavation shall not need an opening permit prior to work providing that the Emergency event occurs after hours. The Road Commissioner or such designee shall be notified as soon as possible, and the contractor/owner will secure an after-the-fact permit pursuant to the requirements of this ordinance.

Section 10. Penalty.

Any contractor/owner found in violation of this ordinance shall be subject to a fine of not more than two thousand dollars (\$2,000.00), exclusive of the town's costs and attorney's fees that shall be recoverable to the town. The Town of Norridgewock may, in addition to any civil penalties, costs, and attorney's fees, be paid all its resulting and compensatory damages, costs and expenses related to any violation of this article.

Section 11. Severability.

If any section, subsection, clause, paragraph, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Whenever this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control. This Ordinance is designed to complement applicable State laws and Town of Norridgewock Ordinances.

Section 12. Effective Date

This ordinance shall be effective upon adoption by the Town of Norridgewock and may be amended in accordance with the Town requirements for amending ordinances.

Effective Date: June 10, 2014

**PROPOSED SEWER USE CHARGE ORDINANCE
TOWN OF NORRIDGEWOCK**

- Section 1. The source of the revenues for retiring debt costs, capital expenditures, and operation and maintenance of the wastewater collection, transport, and treatment facilities shall be:
- *Up to \$120,000.00 per year of the debt service of wastewater facilities shall be recovered by applying this debt to the general tax base;
- *Capital expenditures and the operations and maintenance cost will be recovered from sewer use charges assigned to the residences and places of business connected to the public sewer system.
- Section 2. Sewer use charge rates shall be established by the Board of Commissioners on a yearly basis. In general, charges will be based on water usage. The usage shall be identified by the Norridgewock Water Department. The Sewer Use Charge will be computed and billed at regular intervals throughout each calendar year, as established by the Board of Commissioners. The Board of Commissioners shall establish a flat rate use charge to be applied on a yearly basis to those users not serviced by a water meter. This flat rate charge shall be approximately equivalent to the average residential user charge in the Town of Norridgewock. A minimum charge shall also be billed to owners that are provided a service as outlined in Article III, Section 4 of the Sewer Use Ordinance for the Town of Norridgewock, but do not connect to the sewer system due to a finding of economic hardship, unless abated by the Board of Commissioners.
- Section 3. The Sewer Use Charge assigned to any property owner who contributes a significant quantity of commercial or industrial wastes to the public sewers, or who contributes a combination of sewage and industrial wastes to the public sewers, shall be determined on a special rate structure based on water consumption where possible or as set by the Board of Commissioners.
- The property owners to be charged in this manner will be determined by the Board of Commissioners on a year to year basis.
- Section 4. A special sewer use charge shall be assigned to any commercial establishment, industrial firm, or organization who, by virtue of the volume, strength, or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the wastewater treatment facilities or any part thereof if such waste enters the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the requirements of the Sewer Use Ordinance. The Board of Commissioners, after appropriate study and advice from the Town's Consulting Engineer, shall assign a Special Sewer Use Charge to the commercial establishment, industrial firm, or organization by separate agreement with the user. The applicable portion of the preceding section, as well as the equitable rights of the public shall be the basis of such an arrangement.

Section 5. The Board of Commissioners reserves the right, from time to time, to change Sewer Use Charges originally or previously assigned to any property owner.

Section 6. Abatement of sewer use charges may be considered by the Board of Commissioners. The volume of flow to be used in computing sewer use charges shall be based upon, whenever possible, metered water consumption as shown in the records of meter readings maintained by the Norridgewock Water Department. In the event that a property owner discharging wastes into the Treatment Plant produces evidence to the Superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the Treatment Plant, the Board of Commissioners shall:

a) Establish a percentage of the total metered water to be used as a basis for computations of any credit to be allowed,

b) Determine a specific quantity to be used as a basis for computing a credit for a single non-recurring use, or

c) Direct the installation of appropriate flow measuring (and totaling) devices to measure and record the actual amount of flow into the Treatment Plant in order to adjust the sewer use charge.

Section 7. There shall be a lien to secure the payment of sewer charges legally assessed on real estate within the Town, which shall take precedence of all the claims on such real estate, excepting only claims for taxes.

The Treasurer of the Town shall have the authority and power to sue for and collect the sewer charges in accordance with MRSA Title 38, Chapter 11, Section 1208.

Section 8. This Ordinance shall become effective upon passage at Town Meeting. This Ordinance may be amended in accordance with the general provisions of the Town governing all ordinances. Passage of this Ordinance shall supersede previous versions of the Town of Norridgewock Sewer Use Charge Ordinance, as adopted February 12, 1992 and amended on May 12, 1993 and amended on March 4, 1996. The invalidity of any portion of this Ordinance shall not invalidate any other part.

**SEWER USE ORDINANCE FOR THE
TOWN OF NORRIDGEWOCK
APRIL 1993**

Ordinance for regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof: in the Town of Norridgewock, County of Somerset, State of Maine.

Be it enacted by the Town of Norridgewock as follows:

DEFINITIONS:

Unless the context specifically indicates other wise, the meaning of terms used in this ordinance shall be as follows:

- Section 1. "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20C, expressed in milligrams per liter.
- Section 2. "Board of Commissioners" shall mean the duly elected Sewer Commissioners of the Town of Norridgewock, or their authorized representative.
- Section 3. "Board of Selectmen" shall mean the duly elected Selectmen of the Town of Norridgewock or their authorized representative.
- Section 4. "Building" shall mean a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.
- Section 5. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain extends eight (8) feet outside the inner face of the building wall.
- Section 6. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- Section 7. "Combined Service" shall mean a sewer intended to receive both wastewater and storm or surface water.
- Section 8. "Commercial Service" shall mean an extension of use of the public sewer to a commercial structure.

- Section 9. “Contractor” shall mean any entity engaged in construction of building sewer, storm drains, or sewer extensions within the area governed by the Town.
- Section 10. “Easement” shall mean an acquired legal right for the specific use of land owned by others.
- Section 11. “Economic Hardship” shall exist if a property owner qualifies for General Assistance under the guidelines established by the Town of Norridgewock and the State of Maine.
- Section 12. “Engineer” shall mean the Professional Engineer retained by the Town of Norridgewock. In the event the Town has not retained an Engineer, the term “Engineer” as used herein will be construed to mean the Superintendent of the Town of Norridgewock.
- Section 13. “Floatable Oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- Section 14. “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
- Section 15. “Industrial Service” shall mean an extension of use of the public sewer to an industrial structure.
- Section 16. “Industrial Wastes” shall mean the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- Section 17. “Legislative Body” shall mean the Town of Norridgewock as established in Town Meetings and within the authority granted to the Board of Selectmen.
- Section 18. “Living Unit” means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- Section 19. “Motel Unit” means a room or rooms which are directly accessible from an outdoor parking area.
- Section 20. “Natural Outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

- Section 21. “Owner” shall mean the person, organization, or entity listed as the owner of record as recorded at the Registry of Deeds.
- Section 22. “Person” shall mean any individual, firm, company, association, society, corporation, municipal or quasi-municipal agency, state agency, federal agency or other legal entity.
- Section 23. “pH” shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10.
- Section 24. “Pollutant” shall include but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt, and industrial, municipal, domestic, commercial, or agricultural wastes of any kind.
- Section 25. “Properly Shredded Garbage” shall mean the wastes from the handling, preparation, cooking, and serving of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- Section 26. “Property Line” shall mean the edge of the street right-of-way if the building sewer is to connect with the public sewer in a public street.
“Property Line” shall mean the edge of a sewer easement in those instances where the building sewer connects to the public sewer in a sewer easement.
- Section 27. “Public Sewer” shall mean a common sewer owned, operated, and maintained by public authority, or governmental agency.
- Section 28. “Residential Service” shall mean an extension of use of the public sewer to a residential structure.
- Section 29. “Sanitary Sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- Section 30. “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.
- Section 31. “Sewer Extension” shall mean a new or upgraded system for wastewater collection from one or more buildings not previously served by public sewer and transport of said wastewater to a location within the existing public

sewer system as recommended by the Superintendent and approved by the Board of Commissioners. The sewer extension shall consist of sewer pipe and may include manholes, cleanouts, pump stations, or some combination of those components, as necessary. The sewer extension may consist of new construction only or may include an upgrade of existing components in the public sewer and treatment systems to provide adequate transport and treatment of the additional wastewater discharged into the system.

Section 32. “Shall” is mandatory; “may” is permissive.

Section 33. “Significant Industrial User” shall apply to an industry which discharges a wastewater which:

- a) Is subject to National Categorical Pretreatment standards promulgated by the EPA, or
- b) Would have a substantial impact, either singly or in combination with other industries, on the operation of the treatment works, or
- c) Contains, on an annual basis, more than 10,000 gallons of raw material containing priority pollutants and/or substances of concern and would discharge a measurable quantity of these pollutants to the sewer system, or
- d) Would discharge more than 25000 gpd of process wastewater, or
- e) Would discharge more than five percent (5%) of the flow or load of conventional pollutants received by the Treatment Plant.

Section 34. “Slug” shall mean any discharge of water, or wastewater which in concentration or any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and adversely affect the collection system and/or performance of the wastewater treatment works.

Section 35. “Storm Drain” (sometimes termed “Storm Sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Section 36. “Superintendent” shall mean the operator of wastewater facilities of the Town of Norridgewock or his authorized deputy, agent, or representative. The Superintendent is responsible for the operation and maintenance of the Town’s wastewater facility.

Section 37. “Suspended Solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association and referred to as nonfilterable residue.

- Section 38. “Town” shall mean the Town of Norridgewock and/or its duly authorized employees or agents.
- Section 39. “Unpolluted Industrial Process Water” shall mean wastewater from an industry which is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- Section 40. “Unpolluted Water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.
- Section 41. “Wastewater” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, business buildings, institutions, industrial establishments, together with such ground , surface and storm waters as may be present.
- Section 42. “Wastewater Treatment Plant” shall mean an arrangement of devices and structures, for treating wastewater, industrial waste, and sludge.
- Section 43. “Wastewater Facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- Section 44. “Water Course” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- Section 45. Abbreviations

For the purpose of this ordinance the following abbreviations shall have the meaning ascribed to them under this article. References to standards of the following organizations shall refer to the latest edition of same.

1. ANSI shall mean American National Standards Institute.
2. ASME shall mean American Society of Mechanical Engineers.
3. ASCE shall mean American Society of Civil Engineers.
4. ASTM shall mean American Society for Testing and Materials.
5. AWWA shall mean American Water Works Association.
6. cm shall mean centimeter.
7. CS shall mean Commercial Standards.
8. Celsius shall mean degrees Celsius.
9. Fahrenheit shall mean degrees Fahrenheit.
10. DEP shall mean State of Maine Department of Environmental Protection.

11. EPA shall mean United States Environmental Protection Agency.
12. ICR shall mean Industrial Cost Recovery.
13. kg shall mean kilograms.
14. l shall mean liters.
15. M shall mean meter.
16. mg/l shall mean milligrams per liter.
17. NEIWPCC SHALL MEAN New England Interstate Wastewater Pollution Control Commission.
18. NPC shall mean National Plumbing Code.
19. ppm shall mean parts per million.
20. PVC-SDR 35 shall mean Polyvinyl chloride sewer pipe material with a standard dimension ratio (pipe diameter/wall thickness) equal to 35.
21. sq m shall mean square meter.
22. WPCF shall mean Water Pollution Control Federation.

ARTICLE II

Liability Insurance Required

- Section 1. A contractor engaged in construction within the Town and State right of ways must present to the Board of Commissioners a Certificate of Insurance showing minimum liability coverage of \$1,000,000 aggregate for bodily injury and property damage including collapse and underground coverage before a permit will be issued for construction of sewer extension. In addition, the contractor must either provide a performance bond in the amount of the work or establish an escrow account in the amount of the work. A 10% retainage will be withheld from payment until final inspection by the Superintendent has been performed and the work has been approved. Higher coverage may be required by the Board of Commissioners when circumstances reasonably require it including but not limited to, high liability work or contractor with poor performance record. The Board of Commissioners shall be notified prior to cancellation of the policy.

ARTICLE III

Use of Public Required

- Section 1. It shall be unlawful for any person to place, deposit or permit to be placed or deposited any sewage, human excrement or liquid wastes, in any place or manner except by means of an approved plumbing and drain system in accordance with the provisions of this ordinance and the requirements of the State of Maine.

- Section 2. It shall be unlawful to discharge to any natural outlet within the Town of Norridgewock, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these rules and regulations and the requirements of the State of Maine.
- Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- Section 4. The Owner(s) of all building or properties in the Town of Norridgewock in which plumbing fixtures are installed and which abut any street or right-of-way which has a public sanitary sewer of the Town shall connect these fixtures directly to the proper public sewer, and if feasible, with a separate connection for each house or building, in accordance with the provisions of this ordinance within 90 days after date of official notice to do so, provided that the road right-of-way where said public sewer is located is within 200 feet of the nearest point of the structure to be served. Exceptions may be allowed by the Board of Commissioners if undue economic hardship would result, in which case the property owner should request in writing a deferral of these requirements and the Owner shall be required to demonstrate the nature and degree of economic hardship. However, if the Owner's wastewater disposal system malfunctions connection to the public sanitary sewer must be made regardless of hardship.

ARTICLE IV

Private Wastewater Disposal

- Section 1. Where a public sanitary sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article and the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Rules, Chapter 241.
- Section 2. Before commencement of construction of a private wastewater disposal system, the Owner shall first obtain a written permit signed by the Plumbing Inspector for the Town of Norridgewock. The application for such permit shall be made on a form furnished by the Division of Health Engineering, Maine Department of Human Services, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the plumbing inspector. Permit and inspection fees (required under the State of Maine Plumbing Code) shall be paid to the Plumbing Inspector at the time the application is filed.

Section 3. The type, capacities, location, and layout of a private wastewater disposal system shall comply with the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Rules and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Title 12, Chapter 423-A). No private wastewater disposal system shall be permitted to discharge to any natural outlet without proper review and licensing by the Maine DEP.

Section 4. The Owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

ARTICLE V

Building Sewers and Connections

Section 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Commissioners.

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Board of Commissioners in writing at least forty-five (45) days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, Section 361, as amended.

Section 2. Amended as of November 2, 1993, Special Town Meeting.

There will be three (3) classes of building sewer permits: (a) for residential service, (b) for commercial service, and (c) for industrial service. In any case, the Owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee shall be paid to the Town at the time an application is filed (the building sewer fee schedule is provided separately. Permit fees shall be waived for residential services which connect within 90 days after the date of official notice to do so, as referenced in Article III, Section 4, following initial installation of a public sewer to service those buildings. However, an inspection fee of not more than \$15.00 will be charged for the services of a licensed plumbing inspector to inspect the building sewer during the initial 90 day period.

Section 3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage which may directly or indirectly be occasioned by the installation of the building sewer and all building sewers shall be the property of the Owner.

- Section 4. A separate and independent building sewer shall be provided for every building requiring a sewer connection; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, however; for this case, at least (1) separate building sewer shall be provided for each group of four (4) living units without an increase in pipe size.
- Section 5. Old building sewers may be used only when they are found, on examination and testing by the Superintendent, to meet all requirements of these rules and regulations. Testing shall be in accordance with Article VII, Section 5 of the Sewer Use Ordinance. All costs for inspection and testing shall be paid by the Owner.
- Section 6. The building sewer shall be: PVC Sewer SDR35-ASTM D3034, 12-1/2 foot or 20 foot lengths with neoprene ring gasket, maximum allowable deflection 5.0 per cent; PVC water pipe class 200, SDR 21, for maximum 2-inch diameter pressure service, 20-foot lengths ASTM-D2241 and D3139, neoprene ring gasket, maximum allowable deflection 5.0 per cent; extra heavy cast iron soil pipe ASTM A74, rubber ring gasket in grooved bell, ASTM C564 or Ductile iron push-on joint sewer pipe, Class 51, ASTM A746, with rubber ring gasket, 18 or 20 foot lengths. Any part of the building sewer that is located within five (5) feet of the water service pipe shall be constructed of SDR 21 PVC, or cast or ductile iron as described above. Cast or ductile iron pipe may be required by the Town where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be cast or ductile iron pipe, except if laid on a suitable concrete bed or cradle.
- Section 7. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-eighth (1/8) inch per foot.
- Section 8. Whenever possible the building sewer shall be brought to the building at an elevation above the basement floor but shall be sufficient to afford protection from frost. To protect from frost, minimum soil cover of four and one half (4 1/2) feet without insulation and three (3) feet with insulation is recommended. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe (see maximum allowable deflection above) and fittings with angles of 45 or less. Where the length of the service from the building to the sewer is greater than 100 feet or where a change of alignment greater than 45 is required, a cleanout shall be installed as directed

by the Superintendent (see Appendix B for detail). The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

Section 9. No person(s) shall make connection of roof downspout, sump pumps, exterior foundations drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sanitary sewer. All such existing connections shall be removed prior to connection of building sewer or drain to the public sanitary sewer. This shall apply for all new and existing building sewers and drains.

Section 10. This connection of the building sewer into the public sewer shall conform to the requirements of the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Section 11. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM D2321 for PVC pipe and AWWA C600 Type 4 laying condition except that no backfill shall be placed until the work has been inspected by the Superintendent; and that trench width measured at the top of the installed pipe shall not exceed twenty-four (24) inches.

Section 12. The connection of the building sewer into an existing public sewer shall be made at the property line. The connection of the building sewer from the property line to existing sewer mains will be by the Town of Norridgewock but shall be paid for the Owner unless otherwise approved by the Board of Sewer Commissioners. Connection of building sewers from the property line to a new sewer main, installed by the Town, shall be by the Town and at its expense. The cost of maintenance of the building sewer from the building drain to the sewer main shall be borne by the Owner.

Section 13. The applicant for the building sewer permit shall notify the Superintendent, at least 48 hours in advance, when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

When trenches are opened for the laying of building sewer pipes, such

trenches shall be inspected by the Superintendent before the trenches are backfilled; and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. If the trench is backfilled before inspection, the Superintendent may require it to be re-excavated for inspection at the Owner's expense.

Section 14. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

Section 15. When any building sewer is to serve a school, hospital, public building or similar institutions, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Superintendent, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent. If required, a new manhole shall be installed in the public sewer pursuant to Article VII, Section 4 and the building sewer connection made thereto as directed by the Superintendent.

Section 16. Manholes and cleanouts shall be backfilled as shown in the detail in Appendix B.

ARTICLE VI

Use of Public Sewers

Section 1. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet as approved by the Board of Commissioners and the DEP. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Board of Commissioners, to a storm sewer or natural outlet and the discharge shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Section 413, as amended.

Section 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewers:

- a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive

liquid, solid, or gas which may create a fire or explosive hazard in the wastewater facilities.

- b) Any waters or pollutants containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- c) Any waters or pollutants having pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection, transport or treatment systems.
- d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- e) Any waters or pollutants including oxygen demanding pollutants (BOD, etc) which released in quantities of flow or concentrations or both constitute a "slug" as defined herein.
- f) Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment works but in no case heated waters or pollutants in such quantities that the temperature at the wastewater treatment works influent exceed 104 Fahrenheit (40 Celcius).

Section 4. The following described substances, materials, waters, or pollutants shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Board of Commissioners may set limitations lower than the limitations established established in the regulations below if in the Superintendent's opinion more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability, the quantity of subject wastes in relation to flows and velocities in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Board of Commissioners are as follows:

- a) Wastewaters having a temperature higher than one hundred and fifty degrees (150) Fahrenheit (65 Celcius).
- b) Water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-

- two (32) and one hundred fifty (150) .F. (65 C.).
- c) Wastewater from commercial establishments or industrial plants containing floatable oil, fat, or grease shall not be discharges without a grease trap approved by the Superintendent.
 - d) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 - e) Any water or pollutants containing iron, chromium, copper, zinc, and similar objectionable or toxic substances in such quantities or concentrations that any such material received in the composite wastewater at the wastewater treatment plant exceeds limits for such materials which may be established by the Superintendent.
 - f) Any waters or pollutants containing odor-producing substances exceeding limits which may be established by the Superintendent.
 - g) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Superintendent in compliance with applicable State or Federal Regulations.
 - h) Quantities of flow, concentrations, or both which constitute a “slug”.
 - i) Waters or pollutants containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
 - j) Any water or pollutants which, by interaction with other water or pollutants in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
 - k) Any waters or pollutants have pH in excess of 9.5 or lower than 5.5.
 - l) Wastewater from home or commercial business operations such as furniture stripping, auto body work or auto repair containing solvents, oil, grease or other substances which are appropriate to the restrictions of paragraph i of this section.

If any waters or pollutants are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard t life or constitute a public nuisance, the Board of Commissioners may:

- a. Reject the waters or pollutants,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers,
- c. Require control over the quantities and rates of discharge.

- d. Require payment to cover the added costs of handling and treating the wastes.

When considering the above alternatives, the Board of Commissioners shall give consideration to the economic impact of each alternative on the discharger.

If the Board of Commissioners permit the pretreatment or equalization of waste flows, the design and installation of the pretreatment or equalization plants and equipment shall be subject to the review of the Town's Consulting Engineer and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, laws, and the Town's discharge permit.

- Section 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 4, paragraph c of this Article, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living units. All interceptors shall be of a type and capacity required by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the Owners shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent and Board of Commissioners. Any removal, hauling and disposal of the collected materials must be performed in accordance with this ordinance and which are subject to review by the Superintendent and Board of Commissioners. Any removal, hauling and disposal of the collected materials must be performed in accordance with this ordinance and state and federal regulations. Emulsifiers shall not be used to clean out grease or oil interceptors.
- Section 7. Where pretreatment or flow-equalizing facilities are provided or required for any waters or pollutants, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.
- Section 8. When required by the Board of Commissioners, the Owner of any property with commercial or industrial service shall install a suitable structure, such as a manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed and maintained by the Owner at their expense, and shall be safe and accessible at all times.
- Section 9. Board of Commissioners may require a user of sewer services to provide

information needed to determine compliance with this Sewer Use Ordinance. These requirements may include but are not limited to:

- a. Wastewater discharge peak rate and volume over a specified time period.
- b. Chemical analyses of wastewaters.
- c. Information on raw materials, processes, and products affecting wastewater volume and quality.
- e. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- f. Details of wastewater pretreatment facilities.
- g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 10. All measurements, tests, and analyses of the characteristics of waters and pollutants to which reference is made in this Sewer Use Ordinance shall be determined in accordance with the latest edition of “Standards Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at the structure as required in Section 8 of this Article, or upon suitable samples taken at said structure. In the event that no special structure has been required, suitable samples shall be taken at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater facilities and to determine the existence of hazards of life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH is determined from periodic grab samples).

All commercial establishments and industries discharging into a public sewer shall perform such monitoring of their discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other agencies having jurisdiction over discharges to the receiving waters.

ARTICLE VII

Sewer Extensions

Section 1. All extensions to the sanitary sewer system owned and maintained by the Town shall be properly designed in accordance with the Design and Construction of Sanitary and Storm Sewers, ASCE Manuals and Reports on

Engineering Practice No. 37 (WPCF Manual of Practice No. 9). Plans and specifications for sewer extensions shall be submitted to and approval obtained from the DEP before construction may proceed. Review by the Town's Consulting Engineer will also be required prior to acceptance of the design by the Superintendent. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area. All costs of having the Town's Consulting Engineer review the Plans and Specifications shall be paid for by the owner.

Section 2. Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract, if, in the opinion of the Town, the number of properties to be served by such extension warrants its cost. Under this arrangement, the property Owner shall pay for the installation of the building sewer from the property line to his residence or place of business in accordance with the requirements of Article VI. Property Owners may propose sewer extensions within the Town by drafting a written petition, signed by a majority of the benefiting property Owners, and filing it with the Board of Selectmen. The cost of such extensions may be assessed to the benefited Owners in any manner determined by the Board of Selectmen.

Section 3. If the Town does not elect to construct a sewer extension under public contract, the property owner may construct the necessary sewer extension, if such extension is approved by the Board of Selectmen in accordance with the requirements of Section 1. The property Owner must pay for the entire design and installation, including all expenses incidental thereto. Each building sewer installed must be installed and Design of sewers shall be as specified in Section 4. The installation of the sewer expenses for this inspection shall be paid for by the Owner. The Town's Consulting Engineer's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the leakage test required in Section 5 before it is to be used. The cost of sewer extension thus made shall be borne by the property owners, including all building sewers, and the discharge shall comply with MRSA, Title 38, Chapter 413, as amended

Section 4. Sewer design must be approved by the Maine Department of Environmental Protection and shall be in accordance with the following provisions:

- a. Pipe material and joints shall be polyvinyl chloride (PVC) conforming to ASTM D3034 or D3033 and the strength requirements of ADR 35 or Class 52 Ductile iron meeting AWWA C150 with joints meeting AWWA C104 and fittings meeting AWWA C110.
- b. Minimum internal pipe diameter shall be eight (8) inches.
- c. All joints shall be prepared and installed in accordance with the

manufacturer's recommendations.

- d. Wye branch fittings shall be used and a watertight connection shall be provided.
- e. The minimum slope of sewer pipe and maximum width of the trench at a point six (6) inches above the top of the sewer pipe shall be as follows:

<u>Pipe Diameter</u>	<u>Minimum Slope</u> <u>In Feet Per</u>	
	<u>Trench Width</u>	<u>100 Feet</u>
8"	2' - 8"	0.40
10"	2' - 10"	0.28
12"	3' - 0"	0.22
14"	3' - 2"	0.17
15"	3' - 3"	0.15
16"	3' - 4"	0.14

- f. The depth of the sewer shall be sufficient to afford protection from frost, but in no event less than three (3) feet with insulation and five and one half (5 ½) feet without insulation.
- g. All pipe shall be laid with a minimum of six (6) inches of ¾ " crushed stone all around so as to give uniform circumferential support to the pipe unless otherwise recommended by the Town's consulting Engineer.
- h. ¾" crushed stone shall have the following gradation:

<u>Sieve size</u>	<u>% by Weight Passing</u>
1 inch	100
¾ inch	95-100
½ inch	35-70
3/8 inch	0-20
No. 200	0-2

- i. Manholes shall be constructed at all changes in slope or at intervals not exceeding three hundred fifty (350) linear feet and shall be precast (see detail, Appendix B).
 - 1. Precast manhole sections shall be manufactured in accordance with ASTM C913. The minimum compressive strength of the concrete for all sections shall be 4000 psi and shall be Type II. The circumferential steel reinforcement for four (4) foot diameter riser sections, cone sections, and

base walls shall be 0.20 square inches per linear foot. Reinforcing in the bottoms of precast bases shall be of the same design. Reinforcing shall extend into the tongue and groove of each manhole wall section.

2. The tongue and groove of manhole sections, including the precast base, shall be formed of concrete so as to receive the butyl rubber sealant. Sections shall be set so as to be vertical and in true alignment and sealed with two (2) one (1) inch butyl rubber strips.
3. Manhole steps shall be polypropylene reinforced with steel rod, minimum width of sixteen (16) inches. All steps shall be cast into walls of the precast sections so as to form a continuous ladder with a distance of twelve (12) inches between steps.
4. Precast base sections shall be monolithically pressure cast. Holes for pipes shall be cast in the base section so that there is a clear distance of four (4) inches minimum between the inside bottom of the base section and the pipe invert.
5. Pipe to manhole connections shall be made with flexible manhole sleeves and stainless steel bands.
6. The top of the precast reinforced concrete unit shall be set at a grade that will allow a minimum of one (1) precast annular ring or a maximum of four (4) or a minimum of two (2) courses of brick and mortar before setting the cast iron frame and cover. Mortar for brick masonry shall be Portland cement mixed in the proportion of one part cement to two parts sand, worked to the proper consistence.
7. The outside of the masonry work of all manholes shall be plastered with a Portland cement mortar mixed in proportion of one part cement to two parts sand. The thickness of the mortar shall be one-half (1/2) inch, and the mortar shall be carefully spread and thoroughly troweled, leaving a smooth, substantially waterproof surface. The mortar shall be extended to completely cover the outside surfaces of all masonry work. The inside brickwork shall be pointed.
8. The concrete manholes shall have a brick channel

passing through the bottom which corresponds in shape with the lower half of the pipe. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top of the brick shelf shall slope to drain towards the flowing through channel.

9. Manhole frames and covers shall meet the standards of the Town. Manhole frames shall be eight (8) inches high and shall be approximately thirty-two (32) inches in diameter with a twenty-two (22) inch opening. Frames shall weigh approximately 310 pounds. Manhole covers shall be twenty-four (24) inches in diameter and shall weigh approximately 175 pounds.
10. Prior to backfilling, wrap manholes with four (4) layers of six (6) mil thick U.V. resistant, high grade polyethethylene.
11. Manholes shall be back filled as shown on the detail in Appendix B unless otherwise approved by the Engineer.

Section 5. All sewers shall satisfy requirements of a leakage test before they are accepted by the Superintendent. The leakage test shall be as follows:

- a. For each six of pipeline, an initial leakage test shall be made on the first section of the pipeline complete between two (2) adjacent manholes. Thereafter, the leakage tests shall be made on sections of approved lengths of completed pipeline, which in no case shall exceed one thousand (1000) feet.
- b. Each section shall be tested upon its completion.
- c. The pipeline will be subject to testing for infiltration or exfiltration.
- d. The pipeline shall satisfactorily pass the leakage test with no material except the gasket in the joint spaces. Caulking of joints shall not be permitted.
- e. Tests shall be made under the supervision of the Superintendent. The allowable infiltration or exfiltration shall be two hundred (200) gallons per inch of diameter per day per mile of sewer.

- f. Test sewer using low pressure air as follows:
1. Plug ends of section to be tested.
 2. Supply air slowly to the pipe to be tested until the air pressure inside the pipe is 4.0 psi greater than the average back pressure of any ground water submerging the pipe.
 3. Disconnect air supply and also allow a minimum of two (2) minutes for stabilization of pressure.
 4. Following stabilization period measure drop in pressure over a six (6) minute period.
 5. Acceptable drop: Not more than 1.0 psi.

All manholes shall satisfy the requirements of a leakage test before they are accepted by the Board of Commissioners.

The leakage test shall be as follows:

- a. Tests must be observed and certified by the Superintendent. Manholes must be complete except for shelf and invert brickwork. Plug all pipes and other openings in the manhole prior to test.
- b. Infiltration test manholes with groundwater table above highest joint. Manhole passes infiltration test if there is no visible leakage into manhole.
- c. For exfiltration test of manholes:
 1. Plug pipes into and out of manhole and secure plugs.
 2. Lower groundwater table (GWT) to below manhole. Maintain GWT at this level throughout test. Provide means of determining GWT level at any time throughout test.
 3. Fill Manhole with water to top of cone.
 4. Allow a period of time for absorption (determined by Contractor).
 5. Refill to top of cone.
 6. Determine volume of leakage in an eight (8) hour (minimum) test period and calculate rate.
 7. Acceptable leakage rate: Not more than 1 gallon per vertical foot per 24 hours.

Pump station design must be approved by the Town's Consulting Engineer and also by the Maine Department of Environmental Protection. All pump stations must pass leakage and performance tests, as determined by the Town's Consulting Engineer, before they are accepted by the Superintendent.

All sewer extensions constructed at the property owner's expense, after final approval and recommendation of acceptance by the Town's Consulting Engineer and subsequent acceptance by the

Board of Commissioners, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers, after their acceptance, shall be guaranteed against defects in materials or workmanship for twelve (12) months. The guarantee shall be in the form of a maintenance bond or certified check in an amount defined by the Board of Commissioners.

ARTICLE VIII

Protection from Damage

Section 1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision may be subject to arrest under the charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, Section 806, as amended.

ARTICLE IX

Powers and Authority of Inspectors

Section 1. The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Sewer Use Ordinance.

Section 2. The Superintendent or other duly authorized representatives are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater facilities. The industry may request that such information be kept confidential. The industry must establish that the revelation to the public of the information in question might result in an unfair competitive advantage to competitors.

Section 3. While performing the necessary work on private properties referred to in Section 1, above, the Superintendent or other duly authorized representatives of the Town shall observe all safety rules applicable to the premises established by the Owner. The Owner shall be held harmless for injury or death to Town employees, and the Town shall indemnify the Owner against loss or damage to Owner's property and against claims and/or demands for personal injury or property damage asserted against the Owner, arising out of any misconduct or negligence by the Town, its employees, or its agents in the performance of the necessary work referred to in Section 1, except as such may be caused by negligence or failure of the Owner to maintain safe conditions.

Section 4. The Superintendent and other duly authorized employees or agents of the

Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE X

Penalties

- Section 1. Any person found to be violating any provision of this Sewer Use Ordinance shall be served by the Superintendent with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Section 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, shall be guilty of a misdemeanor, and on conviction thereof shall be fined an amount not exceeding \$200.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- Section 3. Any person violating any of the provisions of this Sewer Use Ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such offense.
- Section 4. Notwithstanding any of the foregoing provisions, the Board of Commissioners or Superintendent may institute any appropriate action including injunction or other proceedings to prevent, restrain, or abate violations hereof. The Board of Selectmen will make the final determination to institute litigation.

ARTICLE XI

Administration

- Section 1. This Sewer Use Ordinance shall be administered by a Board of Commissioners. The Board of Commissioners shall be responsible to the Board of Selectmen and shall have the following responsibilities:
- (a) Enforce the provisions of the Sewer Use Ordinance.
 - (b) Provide interpretation of the Ordinance.
 - (c) Establish rates, fees and other charges.
 - (d) Review and approve the Superintendent's annual budget.
 - (e) Contract for services.

- Section 2. The Board of Commissioners shall be composed of 5 members, elected by the Town at the regular Town Meeting. Initial election shall provide one member with a one year term, two members with two year terms, and two members with three year terms. Subsequent annual elections will bill the expired terms. If there is a vacancy, the Selectmen shall appoint a replacement to serve until the next Annual Town Meeting.
- Section 3. The Board of Commissioners is authorized to borrow up to \$30000 for capital expenditures and additional funds for emergency expenditures not to exceed \$60000 in total for both items at any one time. This debt would be repaid out of sewer fees.
- Section 4. Day to day direction of the Superintendent is the responsibility of the Norridgewock Town Manager.
- Section 5. Responsibilities not specified in the Ordinance shall be responsibilities of the Board of Selectmen.

ARTICLE XII

License

- Section 1. If, in the opinion of the Superintendent, the work performed by any contractor or property owner working within the Town, violates any provisions of this Sewer Use Ordinance, or if any work is, in the opinion of the Superintendent or the Town's Consulting Engineer, sub-standard, the Board of Commissioners may disapprove existing work or any future work in the Town.

ARTICLE XIII

Validity

- Section 1. All ordinances or parts thereof in conflict with this Sewer Use Ordinance are hereby repealed.
- Section 2. The invalidity of any section, clause, sentence, or provision of this Sewer Use Ordinance shall not affect the validity of any other part of this Sewer Use Ordinance which can be given effect without such invalid part or parts.

ARTICLE XIV

Sewer Use Ordinance in Force

- Section 1. This ordinance shall be in full force and effect when adopted by the Town of Norridgewock.

Section 2. This ordinance enacted by the voters of the Town of Norridgewock March 2, 1992, amended May 1992 and November 2, 1993.

ARTICLE XV

Appeals

Section 1. Decisions of the Board of Commissioners may be appealed to the Municipal Board of Appeals within thirty (30) days from the date of the decision. Should the Appeals Board make a decision in favor of the aggrieved party, the case shall be remanded to the Board of Commissioners for correction. The aggrieved party may take further appeals to the Superior court in accordance with State Law.

SHORELAND ZONING ORDINANCE

TOWN OF NORRIDGEWOCK

ENACTED MARCH 3, 2008

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SHORELAND ZONING ORDINANCE FOR THE
MUNICIPALITY OF NORRIDGEWOCK

1. PURPOSES The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.
2. AUTHORITY This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).
3. APPLICABILITY This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

normal high-water line of any river, or
upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.
4. EFFECTIVE DATE
 - A. EFFECTIVE DATE OF ORDINANCE AND ORDINANCE AMENDMENTS This Ordinance, which was adopted by the municipal legislative body on March 3, 2008, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance or Ordinance Amendment, it shall be automatically approved. (A letter of approval was received dated March 11, 2008 and signed by David P Littell of the State of Maine Department of Environmental Protection.).
 - B. SECTIONS 15(N) AND 15(N-1). Section 15(N) is repealed on the statutory date established under 38 M.R.S.A. Section 438-A(5), at which time Section 15(N-1) shall become effective. Until such time as Section 15(N) is repealed, Section 15(N-1) is not in effect.

NOTE: The statutory date established under 38 M.R.S.A. Section 438-A(5) is the effective date of state-wide timber harvesting standards. That date is “the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards. 38 M.R.S.A. Section 438-A(5) further provides that “the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards.”

5. **AVAILABILITY** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be access to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
6. **SEVERABILITY** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **CONFLICTS WITH OTHER ORDINANCES** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
8. **AMENDMENTS** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of The Department of Environmental Protection following adoption by the municipal legislative body but shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.
9. **DISTRICTS AND ZONING MAP**
 - A. **OFFICIAL SHORELAND ZONING MAP** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is made a part of this Ordinance:
 - (1) Resource Protection
 - (2) Limited Residential
 - (3) Limited Commercial
 - (4) General Development I
 - (5) General Development II

(6) Stream Protection

- B. **SCALE OF MAP** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch=2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
 - C. **CERTIFICATION OF OFFICIAL SHORELAND ZONING MAP** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
 - D. **CHANGES TO THE OFFICIAL SHORELAND ZONING MAP** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.
10. **INTERPRETATION OF DISTRICT BOUNDARIES** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

NOTE: The Maine Supreme Judicial Court has held that the Official Shoreland Zoning Map is the primary tool to which to refer in determining district boundaries under ordinances that are not more explicit in their district descriptions than the language of the Guidelines, and that where there is inconsistency between the Map and these general test descriptions of the shoreland districts as provided in the minimum guidelines, the Map prevails.

11. **LAND USE REQUIREMENTS** Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.
12. **NON-CONFORMANCE**
- A. **PURPOSE** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue; subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. GENERAL

- (1) **TRANSFER OF OWNERSHIP** Non-conforming structures, lots and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- (2) **REPAIR AND MAINTENANCE** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. NON-CONFORMING STRUCTURES

- (1) **EXPANSIONS** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.
 - (a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of an wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
 - (b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side

of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

- (2) **RELOCATION** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover that was disturbed, destroyed or removed.
- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

- (3) **RECONSTRUCTION OR REPLACEMENT** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within twelve (12) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

- (4) **Change of Use of a Non-conforming Structure.** The use of a non-conforming structure to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

D. NON-CONFORMING USES

- (1)Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.
- (2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension o that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposed during the preceding five (5) year period.
- (3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above

E. Non-conforming Lots.

- (1) Non-conforming lots. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of

appeals.

- (2) Contiguous Built Lots. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lot do not meet the dimensional requirements of this Ordinance and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12M.R.S.A. Sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- (3) Contiguous Lots-Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirement of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned the same person or persons on March 1, 1993 and recorded in the registry of deeds of the lot is served by public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20000 square feet of lot area; or
- (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore and 20000 square feet of lot area.

13. ESTABLISHMENT OF DISTRICTS

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Developments I Districts need not be included within the Resource Protection District.

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with rivers, which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with rivers” shall mean areas characterized by non-forested wetland-vegetation and hydric soils that are contiguous with a river, and have a surface elevation at or below the water level of the river during the period of normal high water. Wetlands associated with rivers” are considered to be part of that river.

NOTE: The Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of “significant wildlife habitat”. Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries & Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

- (2) Floodplains along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

(3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

(5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development Districts.

C Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabricating or other industrial activities;
 - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E General Development II District. The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of

adoption is undeveloped or not as intensively developed as that of the General Development I District. Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

F Stream Protection District. The Stream protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a wetland, Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes	Allowed (no permit required but the use must comply with all applicable land use standards)
No	Prohibited
PB	Allowed with permit issued by the Planning Board
CEO	Allowed with permit issued by the Code Enforcement Officer
LPI	Allowed with permit issued by Local Plumbing Inspector

Abbreviations:

RP	Resource Protection
LR	Limited Residential
LC	Limited Commercial
GD	General Development
SP	Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	SP	RP	LR	LC	GD
<u>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>2. Motorized vehicular traffic on existing roads and trails</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>3. Forest management activities except for timber harvesting & land management roads</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>4. Timber harvesting</u>	<u>YES</u>	<u>CEO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>5. Clearing or removal of vegetation for activities other than timber harvesting</u>	<u>CEO</u>	<u>CEO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>6. Fire prevention activities</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>7. Wildlife management practices</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>8. Soil and water conservation practices</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>9. Mineral exploration</u>	<u>NO</u>	<u>YES (2)</u>	<u>YES (2)</u>	<u>(2)</u>	<u>YES (2)</u>
<u>10. Mineral extraction including sand and gravel extraction</u>	<u>NO</u>	<u>PB (3)</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>11. Surveying and resource analysis</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>12. Emergency operations</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>13. Agriculture</u>	<u>YES</u>	<u>PB</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>14. Aquaculture</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>YES</u>	<u>YES</u>
<u>15. Principal structures an uses</u>					
<u>A. One and two family residential including driveways</u>	<u>PB (4)</u>	<u>PB (9)</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>B. Multi-unit residential</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>C. Commercial</u>	<u>NO</u>	<u>NO (10)</u>	<u>NO (10)</u>	<u>PB</u>	<u>PB</u>
<u>D. Industrial</u>	<u>NO</u>	<u>NO</u>	<u>NO (10)</u>	<u>NO</u>	<u>PB</u>
<u>E. Governmental and Institutional</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>F. Small non-residentail facilities for educational, scientific, or nature interpretation purposed</u>	<u>PB (4)</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>16. Structures accessory to allowed uses</u>	<u>PB (4)</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>	<u>YES</u>
<u>17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland</u>					
<u>a. Temporary</u>	<u>CEO (11)</u>	<u>CEO (11)</u>	<u>CEO (11)</u>	<u>CEO (11)</u>	<u>CEO (11)</u>
<u>b. Permanent</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

<u>18. Conversions of seasonal residences to year-round residences</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>
<u>19. Home occupations</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>CEO</u>	<u>YES</u>
<u>20. Private sewage disposal systems for allowed uses</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>	<u>LPI</u>
<u>21. Essential services</u>				<u>YES</u>	<u>YES</u>
<u>A. Roadside distribution lines (34.5kV and lower)</u>	<u>CEO (6)</u>	<u>CEO (6)</u>	<u>YES (12)</u>	<u>(12)</u>	<u>(12)</u>
<u>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</u>	<u>PB (6)</u>	<u>PB (5)</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</u>	<u>PB (6)</u>	<u>PB (6)</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>D. Other essential services</u>	<u>PB (6)</u>	<u>PB (6)</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>22. Service drops, as defined, to allowed uses</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>23. Public and private recreational areas involving minimal structural development</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>
<u>24. Individual, private campsites</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>25. Campgrounds</u>	<u>NO</u>	<u>NO (7)</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>26. Road construction</u>	<u>PB</u>	<u>NO (8)</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>27. Land management roads</u>	<u>YES</u>	<u>PB</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>28. Parking facilities</u>	<u>NO</u>	<u>NO (7)</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>29. Marinas</u>	<u>PB</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>30. Filling and earth moving of <10 cubic yards</u>	<u>CEO</u>	<u>CEO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>31. Filling and earth moving of >10cubic yards</u>	<u>PB</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>32. Signs</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>33. Uses similar to allowed uses</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>34. Uses similar to uses requiring CEO permit</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>35. Uses similar to uses requiring a PB permit</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

(2) Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area.

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_____ is disturbed

(3) In RP not allowed in areas so designated because of wildlife value.

(4) Provided that a variance from the setback requirement is obtained from the Board of Appeals.

(6) See further restrictions in Section 15(G)(3).

(7) Except when area is zoned for resource protection due to floodplain criteria, in which case a

_____ permit is required from the PB.

(8) Except as provided in Section 15(G)(3)

(9) Single family residential structures may be allowed by special exception only according to the

_____ provisions of Section 16(E), Special Exceptions. Two family residential structures are prohibited

(10) Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds that are allowed in the respective district.

(11) Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 MRSA Section 480-C, if the activity occurs in, on, over or adjacent to any fresh water wetland, great pond, river, stream or brook and and operates in such a manner that material or soil may be washed into them:

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- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft)	Minimum Shore Frontage ft.
(1)		
(a) Residential per dwelling unit	40,000	200
(b) Governmental, Institutional, Commercial Or Industrial per principal structure	60000	300
© Public and Private Recreational Facilities	40000	200

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland,

except that in the General Development I District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures have in no floor area.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and

need not meet the elevation requirements of this paragraph.

- (4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District, where lot coverage shall not exceed seventy (70) per cent.
- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings.
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches.
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer-area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is

- required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
- (v) A footpath not to exceed the standards in Section 15(O)(1)(a), may traverse the buffer.

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, or tributary stream, a permit pursuant to the Natural Resource Protection Act is required from the Department of environmental Protection.

- (5) Notwithstanding the requirement stated above, stairways or similar
- (6) structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, M.R.S.A. Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C Piers, Docks, Wharves, Bridges and other structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (6) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a

water body or within a wetland shall be converted to residential dwelling units in any district.

- (8) Except in the General Development Districts, structures built on, over or abutting a pier, wharf or dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

D Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- (1) Campgrounds shall contain a minimum of five thousand (5000) square feet of land, not including roads and driveways for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicles, tent or shelter, and utility and service buildings shall be set back a minimum of seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland.

E Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back at least seventy-five feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland.
- (3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

- (6) When a recreational vehicle, tent or similar is placed on-site for more than one hundred and twenty days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

Parking Areas

F. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

G. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back at least seventy-five (75) feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts

and turnouts placed so as to avoid sedimentation of the water body, tributary or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (G)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(G)(1) except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary, tributary stream or upland edge of a wetland.
- (4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(P).
- (5) Road and driveway grades shall be no greater than ten (10) percent for segments of less than two hundred (200) feet.
- (6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) fifty feet plus two times the average slope, in width between the outflow point of the ditch or culvert and normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an un scarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (7) Ditch relief (cross drainage) culverts, drainage dips and water

turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

- (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

H. Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts.

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) Name signs are allowed, provided such signs shall not exceed twelve (12) square feet in the aggregate.
- (3) Residential users may display a single sign not over three (3)

square feet in area relating to the sale, rental or lease of the premises.

- (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provide that no such sign shall exceed (2) two feet square.
- (5) Signs relating to public safety shall be allowed without restriction.
- (6) No sign shall extend higher than twenty (20) feet above the ground.
- (7) Signs may illuminated only by shielded, non-flashing lights.

I. Storm Water Runoff

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Stormwater Management Law (38 MRSA section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or project with 1 acre or more of developed area in any other stream or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

J. Septic Waste Disposal

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water lie of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first time residential use in the shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

K. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding use and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

L Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (L)(3) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within seventy-five (75) feet, horizontal distance, of the normal high-water line of a water body, tributary stream or the upland edge of a wetland, Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

- (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered On-site.

NOTE: The State of Maine Solid Waste Laws, 38 MRSA section 1301 and the solid waste management rules, Chapters 400-419 of the Department of environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- (b) The final graded slope shall be two and one half to one (2 ½:1) slope or flatter.
- (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

M. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the "Manure Utilization Guidelines" published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 MRSA sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within seventy-five (75) feet horizontal distance, of a water body, tributary stream or wetland. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District Office.

- (4) There shall be no new tilling of soil within seventy-five (75)

feet, horizontal distance, from a water body, nor within twenty-five feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

- (5) Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of a water body, nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

NOTE: 17 MRSA section 2805(4) requires a municipality to provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. A copy of a shoreland zoning ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Food and Rural Resources.

N. Timber Harvesting

- (1) Timber harvesting shall conform with the following provisions:
 - (a) Selective cutting of nor more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 ½ feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) Within seventy-five (75) feet, horizontal distance, of the normal high-water line of a water body, tributary stream or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (ii) At distances greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of a water body or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

- (b) Timber harvesting operations exceeding the 40% limitation in Section 15(N)(i)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
- (c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- (d) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
- (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- (f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- (g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (&%) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

N-1. Timber Harvesting-Statewide Standards [Effective on effective date established in Section 4(B)]

- (1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water of any water body or tributary stream, or the upland edge of a wetland. Section 15(N-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
 - (a) Slash activity used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
 - (b) Adjacent to rivers and wetlands:
 - (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
 - (ii) Between 50 feet and 250 feet horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
 - (a) Option 1 (40% volume removal), as follows:
 - (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be

equivalent to basal area;

- (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers and streams, and within 75 feet, horizontal distance, of the upland edge of a wetland, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, the normal high-water line of a river or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14000 square feet in the forest canopy. Where such openings exceed 10000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.
- (b) Option 2 (60 square foot basal area retention), as follows:
- (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
 - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and
 - (iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14000 square feet in the forest canopy. Where such openings exceed 10000 square feet, they must be at least 100 feet, horizontal distance, apart. Volume may

be considered equivalent to basal area.

- © Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 MRSA chapter 805, sub chapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method. The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

- (4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.
 - (a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
 - (b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.
- © Setbacks:
 - (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback

is required.

- (ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or disruption of shoreline integrity occurs, such conditions must be corrected.

- (5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(N-1)(7) of this rule.

- (a) Land management roads and associated ditches, excavation, and fill must be set back at least:
 - (i) 100 feet, horizontal distance, from the normal high-water line of a river or wetland;
 - (ii) 50 feet, horizontal distance, from the normal high-water line of streams; and
 - (iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams.

- (b) The minimum 100 foot setback specified in Section 15(N-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(N-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite

such precautions, sedimentation or the disruption of the shoreline integrity occurs, such conditions must be corrected.

- © On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- (c) Ditches, culverts, bridges, dips, water turnouts and other
- (d) water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(N-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (e) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(N-1)(5)(e) must continue until the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (f) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(N-1). Any nonconforming existing roads must continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
- (g) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(N-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated

agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (h) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- (6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- (a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(N-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 9904008. 45pp.
 - (b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(N-1).
 - (c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.

- (d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
- (e) Notice to Bureau of Forestry. Written notice of all water crossing construction, maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
 - (i) a map showing the location of all proposed permanent crossings;
 - (ii) the GPS location of all proposed permanent crossings;
 - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
 - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
- (f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(N-1)(6)(g) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
 - (i) concentrated water runoff does not enter the stream or tributary stream channel;
 - (ii) sedimentation of surface waters is reasonably avoided;
 - (iii) there is no substantial disturbance of the bank, stream or tributary stream channel;
 - (iv) fish passage is not impeded; and
 - (v) water flow is not unreasonably impeded.
 Subject to Section 15(n-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen or snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.
- (g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
 - (i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 ½ times the cross-

sectional area of the river, stream, or tributary stream channel.

- (ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(N-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structure must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
 - 1. use of temporary skidder bridges;
 - 2. removing culverts prior to the onset of frozen ground conditions;
 - 3. using water bars in conjunction with culverts;
 - 4. using road dips in conjunction with culverts.
- (iii) Culverts utilized in river, stream and tributary stream crossings must:
 - 1. be installed at or below river, stream or tributary stream bed elevation;
 - 2. be seated on firm ground;
 - 3. have soil compacted at least halfway up the side of the culvert;
 - 4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - 5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.
- (iv) River, stream and tributary stream crossings allowed under Section 15(N-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.
- (v) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of

- shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shoreline, and soil lying within ponds and wetlands occurs, such conditions must be corrected.
- (h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
 - (i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(N-1)(6)(i) below.
 - (ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or , if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
 - (iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected/
 - (i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
 - (i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - (ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
 - (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements.
 1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 2. it shall be designed to provide an opening with a

- cross-sectional area at least 3 ½ times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail, setbacks, and land management road setbacks must be maintained as specified in Section 15(N-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral Soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

O. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

- (1) Except to allow for the development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal distance, from a water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the eater through the buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(O)(1)(b) a “well distributed stand of trees” shall be defined as maintaining a rating score of 16 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4 ½ feet Above Ground Level (inches)	Points
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2-<4 in	1
4-<8 in	2
8-<12 in	4
12 in or greater	8

NOTE: As an example, if a 25 foot x 50 foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is :

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 20 points (36-20=16) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this pointy system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15 (O)(i)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25–foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(O) paragraphs (1) and (1)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(O)(i) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (2) At distances greater than seventy-five (75) feet, horizontal distance, from the normal

high-water line of a water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten(10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

- (3) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (4) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(O).

P. Erosion and Sedimentation Control.

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or riprap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

- (Q) Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
- (R) Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- (S) Archeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

16. Administration

A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July first.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A MRSA section 2691.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State Law.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a

discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

C. Permit Application.

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface

waters;

- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will avoid problems associated with floodplain development and use; and
- (8) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

- E Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be ½ the width of the 100-year flood-plain.

- (4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is

limited to a maximum of 1500 square feet. This limitation shall not be altered by variance.

- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.
- F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.
- H. Appeals.
 - (1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:
 - (a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

NOTE: Whether an administrative appeal is decided on an "appellate" basis or on a "do novo" basis, or whether an enforcement decision is appealable to the board of appeals,

shall be the decision of the municipality through its specific ordinance language. The Department is not mandating one alternative over the other. If a municipality chooses appeals procedures different from those in Section 16(H), it is recommended that assistance be sought from legal counsel to ensure that the adopted language is legally sound.

- (b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.
- (2) Variance Appeals. Variances may be granted only under the following conditions:
 - (a) Variances may be granted from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term “undue hardship” shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
 - (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
 - (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and

provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

- (f) A Copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

- a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
- (b) Decision by Board of Appeals
 - (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - (ii) The person filing the appeal shall have the burden of proof.
 - (iii) The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) Appeal to Superior Court. Except as provided by 30-A MRSA section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) Reconsideration. In accordance with 30-A MRSA section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken n that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to

the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I Enforcement

- (1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.
- (2) Code Enforcement Officer
 - (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - (b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
- (3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall

be penalized in accordance with 30-A MRSA section 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (38 MRSA section 4452).

17. Definitions.

Accessory structure or use-a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party-an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture-the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture-the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area-the area of cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

Basement-any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility-a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau-State of Maine Department of Conservation's Bureau of Forestry.

Campground-any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy-the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use-the use of lands, buildings, or structures, other a “home occupation,” defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area-the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal-high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH-the diameter of a standing tree measured 4.5 feet from ground level.

Development-a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements-numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability-any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity-the alteration of the physical shape, properties or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway-a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling or less.

Emergency operations-operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services-gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure-an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use-the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family-one or more persons occupying a premises and living as a single housekeeping unit.

Floodway-the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area-the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities-timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested wetland-a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller,

Forest stand-a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation-the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland-freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Frashwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses-those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

Ground cover-small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest Area-the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Height of a structure-the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation-an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure-any change in a structure or property which causes further deviation from the dimensional standard^{9S0} creating the nonconformity such as, but no limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure.

Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite-an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial-The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional-a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital or municipally owned or operated building, structure or land used for public purposes.

Land Management Road- a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester-a forester licensed under 32 MRSA Chapter 76.

Lot Area-The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina-a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value-the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration-hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction-any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width-the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential-a residential structure containing three (3) or more residential dwelling units.

Native-indigenous to the local forests.

Non-conforming condition-non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot-a single lot of record which, at the effective date of adoption or amendment of this of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure-a structure which does not meet any one or more of the following dimensions requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line-that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

Person-an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure-a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use-a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility-any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils-the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Poduck	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility-a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle-a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system-a system intended to replace: 1)an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

Residential dwelling unit-a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area-the average of the basal area of trees remaining on a harvested site.

Riprap-rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Residual Stand-a stand of trees remaining in the forest following timber harvesting and related activities.

River-a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road-a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Service drop-any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1000) feet in length.

Setback-the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage-the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot line with the shoreline.

Shoreland zone-the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline-the normal high-water line, or upland edge of a wetland.

Skid road or Skid trail-a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash-residue, e.g., treetops and branches, left of the ground after a timber harvest.

Stream-a free-flowing body of water from the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure-anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structure temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start-completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system-any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or an other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 MRSA section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope-a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measure area.

Timber harvesting and related activities-the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15, "Clearing or Removal of Vegetation for Activities Other Than Harvesting."

Timber harvesting and related activities-timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tributary stream-means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland-the boundary between upland and wetland d. For purposes of a fresh water wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that six (6) meters (approximately twenty (20) foot)tall or taller.

Vegetation-all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.

Volume of a structure-the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body-any river or stream.

Water crossing-any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, waterlines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland-a freshwater wetland.

Windfirm-the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking and major breakage.

Woody vegetation-live trees or woody, non-herbaceous shrubs.

**Town of Norridgewock
Site Plan
Review Ordinance**

**Approved
March 2, 2015**

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1. Purposes.

The purposes of this Site Review Ordinance are:

- A. To establish a procedure whereby the Planning Board may review new proposals to use or develop land and buildings for commercial purposes. Possible uses include commercial, industrial, office, community and service uses, municipal, institutional, utility, and recreational uses.
- B. To establish a fair and reasonable set of standards for evaluating each development.
- C. To mitigate potential nuisances associated with development.
- D. To address a wide range of environmental and planning issues associated with development including: noise, odors, stormwater, erosion, phosphorus, waterbody protection, traffic, parking, light and glare, scenic resources, groundwater, historic and archeological resources, significant wildlife and aquatic resources, and other natural resources.
- E. To reduce off-site impacts from negatively affecting municipal services and infrastructure.
- F. To protect the water quality of all lakes, ponds, rivers, streams, brooks, wetlands, and aquifers within the community.

2. Authority.

This Ordinance is prepared in accordance with the provisions of Title 30-A Section 3001 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. Effective Date.

This Ordinance is effective upon adoption at a Town Meeting.

4. Amendments.

This Ordinance may only be amended by majority vote of the legislative body, either at a Town Meeting or through a referendum ballot. Amendments may be initiated by a majority vote of the Board of Selectpersons, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

5. Conflicts with Other Ordinances.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Norridgewock, or State of Maine, the more restrictive provision shall control.

6. Severability.

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

7. Availability.

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.

8. Applicability.

A. Development for which a Site Review Permit is required:

1. Planning Board Review: The construction or placement of any new building or structure for a non-residential use, including accessory buildings and structures, totaling 2,500 square feet or more.
2. Code Enforcement Officer Review:
 - a. Non-residential use, including accessory buildings and structures, totaling less than 2,500 square feet.
 - b. The construction or placement of any new building or structure for residential use.
 - c. The expansion of an existing non-residential building or structure, including accessory buildings and structures, that will enlarge the building or structure.
 - d. The conversion of an existing building, in whole or in part, from a residential use to a non-residential use, provided the non-residential building or structure.
 - e. The conversion of an existing non-residential use, in whole or in part, to another

non-residential use.

- f. The establishment of a new, non-residential use, even if no buildings or structures are proposed, including such uses as gravel pits, mining operations, cemeteries, and golf courses.
- g. All development 35 feet or over in height.
- h. For an existing non-residential use development: construction or modification of any structure or use on site, such as, but not limited to signs, lighting, parking areas, or landscaping, must conform to the requirements of this ordinance.

Note: All NON-RETAIL agricultural structures are exempt from review under this ordinance. This includes temporary, seasonal farm stands.

Note: For all development that does not meet the above criteria a permit must still be issued by either the CEO that allows work to begin and explaining its exemption from full review.

9. Administration and Enforcement.

THE REVIEW AUTHORITY AS IT RELATES TO THIS ORDINANCE IS AS DEFINED UNDER SECTION 8, SUB-SECTIONS 1 or 2

A. Planning Board.

The Planning Board shall have the following powers and duties:

- 1. To administer this Ordinance.
- 2. To hear and decide upon applications according to this Ordinance.
- 3. To develop site review application forms.
- 4. To exercise additional powers and duties authorized by statute.
- 5. To review and propose updates to this Ordinance.
- 6. To conduct site visits and to review applications as authorized by this Ordinance.
- 7. To provide the Code Enforcement Officer with a written decision of each application that they have authority to review.

B. Code Enforcement Officer.

The Code Enforcement Officer shall have the following powers and duties for all construction, regardless of square footage:

- 1. To enforce the provisions of this Ordinance.
- 2. To issue permits, and perform permit reviews as authorized by this Ordinance.

3. To issue stop work orders and other appropriate notices of violation.
4. To investigate complaints and reported violations.
5. To maintain an appropriate public record of all permits issued, permit applications, enforcement actions and other appropriate documents.
6. To provide the state of Maine with information concerning permits and development activity as required.
7. To revoke permits issued in error or which are based upon erroneous information.
8. To assist the public with inquiries and other requests for information concerning this Ordinance.
9. To enter property at reasonable hours or enter any building with the consent of the property owner, occupant or agent to inspect the property or building for compliance with this Ordinance.
10. To exercise additional powers and duties authorized by statute.
11. To assist the Planning Board with the review process.
12. To conduct site visits and to review applications as authorized by this Ordinance.
13. To issue permits.

C. Site Review Permits.

The Review Authority shall review and decide upon all applications and shall submit their written decision within two (2) business days of approval on each application to the Code Enforcement Officer File and/or applicant. The Planning Board shall prepare the permit approval, including any conditions and submit it to the Code Enforcement Officer, who shall issue the permit to the applicant.

No work or other development shall be undertaken on any use or project that requires review until a permit has been issued by the Code Enforcement Officer.

D. Permit Fee.

A non-refundable application fee payable to the Town of Norridgewock shall be submitted with the application. The fee shall be established by the Board of Selectpersons.

In addition to the application fee, all applicants for a Site Review Permit may be required to pay an escrow fee of \$1,000 per application, to be deposited in a special escrow account designated for that development application. This fee shall be used for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with this Ordinance. If the balance in this special account is drawn down by 75%, the Planning Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Planning Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Failure to comply with this escrow fee requirement, at any time during the review process, renders the application incomplete, and precludes further review of

the application. Any remaining balance in the escrow account thirty (30) days after a final decision on the application shall be returned to the applicant. At any time during the application review the municipality shall provide the applicant, upon written request, an accounting of the expenditures from the fund. All expenditures will be detailed at final close out.

E. Permit Expiration.

Permits are valid for 12 months from the date of the Review Authority's approval for the substantial start of construction. Permits that have expired shall become null and void and the applicant shall obtain another permit as required by this Ordinance by submitting another site review application to the Review Authority. A permit is transferable to subsequent owners of the property.

F. Decisions.

After review of a complete application, the Review Authority shall determine whether the proposal meets the review criteria contained in this Ordinance. The Review Authority shall make a written finding of fact to support its decision and vote to approve the application, approve the application with conditions, or deny the application. The Review Authority shall submit its decision to the applicant and the Code Enforcement Officer File within two (2) business days.

G. Burden of Proof.

The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria and the standards contained in this Ordinance.

H. Rights not Vested.

The submittal of the application to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, MRSA, Section 302. The formal review process shall begin upon written notification from the Review Authority to the applicant that a complete application has been received.

I. Site Inspection.

The Review Authority may perform an on-site inspection of the proposed project to obtain knowledge about the site and the surrounding area.

J. Waivers.

1. The Review Authority may vote to waive any of the development standards or submission requirements in this Ordinance when it finds one of the following:

- a. One or more of the submission requirements, or development standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, type of project, or unique features of the proposed use.
 - b. The applicant may submit alternative designs, which meet or exceed performance standards required under this ordinance. Such submissions shall not be waived but may replace standard submissions.
2. The applicant shall submit information and materials to support the waiver request with the application.
3. The Review Authority may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Review Authority shall review the waiver request and, if it meets the appropriate criteria, shall approve the request, and submit its decision, in writing, to the applicant. If the Review Authority finds that the waiver request does not meet the criteria, it shall deny the waiver and require the applicant to revise the application, as necessary. The Review Authority may vote to suspend review of the application until the applicant can supply all the necessary information. The applicant shall submit all required information to the Review Authority within 60 calendar days of the denial of the waiver request. Failure to submit the information within this time will require that a new application be submitted for review. In no case shall the Review Authority make a final decision on the application until the applicant supplies additional information to the satisfaction of the Authority.
4. All waivers approved by the Review Authority shall be documented during the review process.

K. Conditions.

Upon consideration of the review criteria, the Review Authority may attach such conditions to the proposed application that it finds necessary to further the purposes of this ordinance. Conditions are limited further to address items already contained in this Ordinance. A condition may not be imposed to regulate any item not specifically addressed in this Ordinance.

In determining whether conditions are appropriate or necessary, the Review Authority shall consider the unique features of the following: site and surrounding area; proposed use and proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this Ordinance.

The conditions shall be listed in the permit and shall be made enforceable under this Ordinance.

L. Public Hearing Requirements.

The Planning Board may hold a public hearing on each site review application as follows:

1. The public hearing shall be held within 30 days after the proposed application is deemed complete. This period may be extended for up to 60 days by mutual consent by the applicant and the Planning Board.
2. The notice of the date, time and place of the public hearing shall be made as follows:
 - a. Published at least twice in a newspaper having general circulation within the municipality. The date of the first publication shall be at least 7 days before the hearing.
 - b. Mailed by first class mail to the applicant, at least 7 days prior to the hearing.
 - c. Mailed by certified, return receipt requested mail to all abutting property owners as determined from the current tax assessment data, at least 7 days before the public hearing. The Planning Board shall maintain a list of all property abutters mailed a notice in the application file. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.
 - d. All costs are to be paid by the applicant.
3. The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

M. Appeals.

All Appeals shall be heard by the Town of Norridgewock Board of Appeals and follow the same procedure as the Appeals Ordinance.

N. Enforcement and Penalties.

1. The Code Enforcement Officer shall keep a record of all enforcement actions and shall institute or cause to be instituted in the name of the Town any actions that might be appropriate for the enforcement of this Ordinance, including the use of administrative consent agreements.
2. Any person, including but not limited to a landowner, landowner's agent, or contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A, MRSA, Section 4452.

3. The Code Enforcement Officer may represent the Town in District Court pursuant to Rule 80k. However, should the services of the Town Attorney be required in litigation in a higher court of law, the CEO shall first review the case with the Board of Selectpersons.

10. Review Criteria.

An applicant for a Site Review Permit shall demonstrate that the proposed use or project meets the review criteria listed below. The Review Authority shall not approve an application unless it makes written findings that all of these criteria have been met.

- i. The application is complete and application and escrow fees have been paid.
- ii. The proposal conforms to all the applicable provisions of this Ordinance.
- iii. The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that an unsound or unhealthy condition results as per the DEP's Erosion and Sediment Control Manual, in force, at the time of the permits approval.
- iv. The proposed activity will not have an adverse impact on wetlands.
- v. The proposed activity will not have an adverse impact upon any waterbody such as a lake, pond, river or stream.
- vi. The proposed activity will provide for adequate storm water management.
- vii. The proposed activity will provide for adequate sewage disposal.
- viii. The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the Town of Norridgewock Floodplain Management Ordinance.
- ix. The proposed activity will not result in air or water pollution.
- x. The proposed activity has sufficient water available for the current and foreseeable needs of the development.
- xi. The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- xii. The proposed activity will dispose of all solid waste in conformance with all local regulations and that the type and quantity of waste proposed to be sent to Town facilities will not exceed their capacity.
- xiii. The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties, which might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
- xiv. The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of existing or proposed highways or roads.

- xv. The proposed activity to the maximum extent possible will not have an adverse affect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Norridgewock, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- xvi. The proposed activity shall conform to all the applicable requirements of the Town's Shoreland Zoning Ordinance, and all other local Ordinances.
- xvii. The proposed activity will not increase a great pond's phosphorus concentration, if the development is within the watershed of a great pond.
- xviii. The Town has the capacity to provide fire and rescue services to the development.

11. Application Procedure.

- A. The applicant shall submit the site review application to the Code Enforcement Officer along with the appropriate application fees.
- B. The Town of Norridgewock shall issue a dated receipt to the applicant upon receiving the application fee.
- C. Within 35 days of receipt of the application, the Code Enforcement Officer shall make a determination whether the application is complete and notify the applicant in writing of his/her determination.
 - 1. If the application is not complete the Code Enforcement Officer shall notify the applicant in writing of the specific materials needed to complete the application. The applicant shall provide the required materials according to listed procedures.
 - 2. If the application is complete, and is subject to the Planning Board review process, the Code Enforcement Officer shall notify the Planning Board Chairman in writing that a complete site review application has been received.
 - 3. The Planning Board will place the application on an agenda for review and consideration. The Planning Board will provide the Code Enforcement Officer and the Applicant with the date, time and location of said meeting at least 16 days prior to the meeting.
 - 4. Non-Residential applicant will provide proof to the Planning Board or the Code Enforcement Officer of notice to abutters of application and meeting date. This notification to abutters should be sent by certified mail.
- D. The applicant shall, at least 14 days prior to the scheduled Planning Board meeting, submit to the Code Enforcement Officer, 7 copies of the site review application. The Code

Enforcement Officer shall distribute to the Planning Board copies of the application prior to the meeting. The applicant may provide reduced copies of maps and plans, however; at least one full size (typically 24"x 36" depending on readability) set of plans shall be submitted.

- E. Substantive review of the application shall not be deemed to have begun until the Code Enforcement Officer makes a finding that the application is complete.
- F. The Planning Board shall make a final decision upon the application within 90 days of the initial meeting. However, upon mutual consent of the applicant and the Planning Board, the final decision may be extended.
- G. The Planning Board shall submit their final decision in writing to the applicant and to the Code Enforcement Officer within two (2) working days from the Planning Board meeting. Any conditions imposed upon the application shall be listed in their final decision.
- H. Submission Requirements.

All site review applications shall be submitted on the forms developed by the Review Authority. The following materials and information shall be included with the Site Review Application. The applicant shall indicate those submission items that are not applicable to the proposal due to the particular location or design of the proposal.

- 1. Site Review Application.
- 2. Site Review Application and escrow fee.
- 3. Waiver Request Form, if applicable.
- 4. General information including the following:
 - a. Name, address and telephone number of the applicant and applicant's agent, if applicable.
 - b. Property location, including address, map and lot number.
 - c. Verification of the applicant's right, title or interest in the property. If such evidence is other than outright ownership and title as evidenced by a deed duly recorded in the Somerset County Registry of Deeds, the entire document/documentation (other than reference(s) to purchase price and financing terms, which may be redacted) whether by lease, option, contract or otherwise establishing right, title and interest shall be submitted with the application.
 - d. Estimated cost of the proposal.
 - e. Schedule of construction including anticipated beginning and completion dates.
 - f. A description of the project.
 - g. Estimated square footage of the proposal.

5. General location information including the following:
 - a. A copy of the tax map showing the property and surrounding parcels. Including a list of all persons abutting or within 500 feet of the property.
 - b. A copy of the Somerset County soil map showing the property.
 - c. A copy of the USGS Topographic map showing the property.
 - d. A copy of the Town Shoreland Zoning Map showing the property, if located in a Shoreland District.
 - e. A copy of the FIRM Map showing the property, if located in a designated floodplain.
 - f. A copy of the National Wetlands Inventory Map showing the property.
 - g. A map drawn to scale showing the location, boundaries, elevations, uses and size of the following: developed site, type of structures, setbacks, parking areas, driveways and roads, drainage ways, easements and rights-of-way, watercourses, water bodies and wetlands, number of acres within the development, size of all impervious areas, all other significant natural and physical features and true north. Note: The Review Authority may require the drawing be done by a licensed surveyor, a licensed engineer, or similar appropriately licensed professional, depending on the scale and extent of the project.
6. The location of all proposed subsurface wastewater disposal systems.
7. Indication of the water source for the proposal including evidence that an adequate water supply is available to supply all the water needs of the proposal including fire suppression (please note: the fire chief or State Fire Marshall should be consulted to determine whether or not appropriate structures are required to supply a water source to handle a fire threat).
8. Evidence that all other local permits have been obtained including but not limited to: Shoreland Zoning, and Floodplain Management.
9. An erosion control plan as per the requirements of this Ordinance.
10. A storm water control plan as per the requirements of this Ordinance.
11. A phosphorus control plan as per the requirements of this Ordinance.
12. The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the Maine Historic Preservation Commission. If there is such a site, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation Commission prior to submitting the site plan application. The applicant shall request that the Maine Historic Preservation Commission comment on the adequacy of the proposed mitigation techniques. The applicant shall then submit the Commission's comments with its site plan application.

13. The location of any significant wildlife resources or natural areas.
14. The traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
15. Any proposed areas or structures to be dedicated for public use.
16. Scaled drawings showing the location and construction specifications for all proposed roads including drainage features such as ditches and culverts, access points, driveways, parking areas and other traffic management and control features.
17. Any other material to show that the applicable performance standards or other requirements of this Ordinance are followed.
18. The estimated quantities of flammable or hazardous materials to be stored or handled on site.
19. List of what flammable or hazardous material would be stored or handled on site and appropriate Material Safety Data Sheets (MSDS).
20. The following approvals, where applicable, shall be submitted as part of the development application.
 - a. Town of Norridgewock E911 Addressing Officer, for the names of any proposed new streets.
 - b. Maine Department of Environmental Protection, under the Site Location of Development Act.
 - c. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
 - d. Maine Department of Human Services, if the applicant proposes to provide a public water system.
 - e. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
 - f. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
 - g. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Permit or Town of Norridgewock Road Opening Permit.

- h. Comprehensive Economic Impact Study, if a large-scale retail development is proposed.

Note: If the Review Authority is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

12. General Development Standards.

A. Air Quality

No development is permitted which will cause emissions of dust, ash, smoke, or other particulate matter likely to damage human or animal health, vegetation, or property, by reason of concentration or toxicity. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard. This shall not be construed to regulate dust or odors generated by agricultural practices conducted using accepted State of Maine Best Management Practices (BMP) current at time of application.

B. Access to Public Streets

This section shall apply to all development requiring a permit that directly accesses Public Streets. Compliance with this section shall not relieve the applicant of the need for permitting under State Access Management Regulations. Proof of Compliance with the Town of Norridgewock's Road & Entrance Design Standards Ordinance and The Town of Norridgewock's Road Opening Ordinance is required.

1. General Provisions.

- a. The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. As a general rule, no more than two access points onto any single road will be allowed. Where more than one road abuts the development site, the Review Authority may require the developer to access the site from the road with less potential for congestion and traffic hazard.
- b. All streets which can be expected to carry traffic to and from the development shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development.
- c. Access points shall be of a design and have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the *Manual on Uniform Traffic Control Devices* published by the American Traffic Safety Services Association.

- d. The Review Authority may require the developer to plan or install direct access to adjoining properties where it will serve to reduce demand for vehicular movement on public roads.
- e. Visibility triangle: In order to provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, within a triangular area defined by legs of 25 feet measured along the driveway and street lines.

2. Location and Design of Access Points

- a. Sight Distances: All access points shall be located to provide minimum sight distance of ten (10) feet for each mile per hour of posted speed limit in both directions. Sight distance is measured from a point ten (10) feet behind the edge of the traveled way, with the height of the eye at 3.5 feet, to the top of an object 4.5 feet above the street surface.
- b. Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:

Low Volume: Peak hour volume of six (6) or fewer vehicles.

Medium Volume: Any access that is not a low volume or high volume.

High Volume: Peak hour volume of one hundred (100) or more vehicles.

- i. Design Criteria.

All portions of an access point within the right-of-way of the street shall be consistent with the surface of the existing roadway.

All access points entering a curbed street shall be curbed to the full radius of the access point to a minimum distance of fifty (50) feet back from the edge of the existing curb line.

All access points shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

The curb radius for two-way access points shall be at least 20 feet. The curb radius for one-way access points or access points with median islands shall be between five and 10 feet on the inside corner and at least 30 feet on the outside corner.

The width of a low volume driveway shall be no more than 20 feet. The width of a medium or high volume driveway may be between 20 and 26 feet; for driveways with a median island, the width shall apply to each side. Where

truck traffic is a major element, the width may be increased to 30 feet. The width of individual, "right turn only" channels shall be no more than 20 feet.

From the edge of the traveled way, the access point should not exceed a grade of 2 percent for a minimum of 40 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

ii. Median and Channelization Islands

Medians or channelization island(s) are required for high volume access points and may also be required for medium volume access points at the discretion of the Review Authority. Median islands shall be between 6 feet and 10 feet in width and shall create a throat (entry lane) of adequate length based on the traffic study, but in no case less than 60 feet. All islands shall be curbed with sloped curbing, with proper signs installed to direct traffic.

iii. Spacing Standards

No low or medium volume access point shall be located within one hundred (100) feet of any street intersection. No high volume access point shall be within two hundred fifty (250) feet of any intersection. Distance shall be measured from the point of tangency for the intersection curb radius to the point of tangency for the access point curb radius.

All access points onto an existing public road shall be located at least 100 feet from the next access point along that public road.

No access point shall be located within ten (10) feet of a property line.

iv. Any access point which intersects an existing or planned sidewalks shall incorporate ramped access curbing in accordance with the Americans with Disabilities Act.

C. Erosion Control

1. All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Development must employ best management practices (BMPs) for erosion control. Erosion of soil and sedimentation of watercourses, including intermittent drainage swales, and waterbodies shall be avoided by employing BMP's as established by the most recent version of "Maine Erosion & Sediment Control Handbook for Construction-Best Management Practices" Cumberland County SWCD & MDEP-March 1991.
2. The least possible amount of disturbance will occur during construction in regard to tree removal, de-vegetation, and soil disturbance. In particular, strips of naturally vegetated areas existing on the down slope side of the construction site shall be

maintained as undisturbed buffer areas. Temporary erosion control measures shall be installed prior to the start of any development. The applicant shall be responsible for the proper installation and operation of all erosion control measures. Permanent measures shall be installed as appropriate upon completion of the development.

3. Exposed soils on slopes 10% or greater will be initially stabilized (i.e., mulched, covered, or reseeded) within two working days of disturbance. All exposed soils on slopes less than 10% shall be stabilized within 15 days of disturbance.
4. All watercourses, waterbodies and wetlands will be protected from sedimentation by the installation of silt fence barriers or other appropriate means. Such barriers shall be installed before digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind occurs within 500 feet of a watercourse, waterbody or wetland or on slopes greater than 10%. The barriers shall be installed at all points immediately down slope of soil exposing activities.

Hay bale barriers are not to be used as a primary means of erosion control, but may be used as reinforcement or back-up to silt fencing or other effective primary erosion control. Erosion control mix placed as a berm may be used in lieu of silt fencing as a sediment barrier, especially on frozen ground.

5. All erosion controls must be inspected and repaired every week and before and after any significant rainfall events (0.5 inches or greater).
6. Ditches or swales with slopes from 0-3% need to be vegetated, those at 3-5% require a geotextile mat and appropriate seeding, and those at 5% or greater require stone lining with an appropriate geotextile underlayment. All ditches not stabilized by vegetation before Oct. 15 shall be stone lined.
7. Areas within 500 feet of waterbodies must receive final stabilization within 5 days of final grading. Other disturbed areas must have final stabilizing measures in place within 10 days of final grading.
8. After September 15, or if construction activities are to be suspended for more than 30 days, additional stabilization measures must be installed which include seeding, and mulching (including securing of mulch), and water diversions necessary to minimize on site drainage contribution to erosion.
9. Whenever any portion of the designed impervious area falls within 500 feet of a watercourse, water body or wetland larger than one acre and the designed impervious area exceeds 10,000 sq. ft. in area, or whenever the Review Authority initiates a review in conjunction with the DEP, or other qualified water quality experts and it is determined that because of the slope, soil erosion, designed impervious area, and site location, there is a demonstrated need, temporary or permanent sedimentation control mechanisms shall be utilized by which sediment in run-off water shall be trapped by the use of debris basins,

sediment basins, silt traps, or other acceptable methods as determined by the Review Authority, and in accordance with the current "Maine Erosion & Sediment Control Handbook for Construction-Best Management Practices" Cumberland County SWCD & MDEP-March 1991.

10. The top of a cut or the bottom of a fill section shall not be closer than ten feet to an adjoining property.

D. Historic and Archaeological Resources

If any portion of the site has been identified, or is found to contain historic or archaeological resources, the development plan shall include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed building and site layout and design.

E. Materials Storage

1. All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, and neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent. A dense evergreen hedge six (6) feet or more in height at the time of planting shall be the preferred means of attaining this standard. Any existing business shall comply with this section within eighteen (18) months of approval of this Ordinance unless waived by the Code Enforcement Officer.
2. Where a potential safety hazard to children is recognized by the Review Authority, a physical barrier sufficient to deter small children from entering the area shall be provided and maintained in good condition.
3. No bulk storage of flammable or explosive liquids, solids, or gases shall be permitted unless storage facilities are located at least seventy-five (75) feet from any property line if above-ground, or forty (40) feet if underground. All materials shall be stored in compliance with requirements of the Maine Department of Public Safety and other appropriate Federal, State, and local regulations.
All above-ground storage facilities for toxic, flammable, or explosive liquids shall be located on impervious surfaces and shall be completely enclosed by a dike high enough to contain the total capacity of the storage tank(s) plus the rain falling into the area during a twenty-five (25) year, 24-hour duration storm, or 150 percent of the volume of the storage facility, whichever is greater.

F. Natural Resource Protection

1. Natural Features

Site development shall minimize, insofar as possible, disturbance of natural features. This shall be done by designating on the site plan the limits on development-related clearing. Outside of the limits of development, there shall be no tree removal, water channelization, soil disturbance, or grading and filling.

2. Habitat Protection

- a. If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants or animals, the subject areas shall be located outside of the clearing limits. The Review Authority may require a mitigation or management plan to be reviewed by the Maine Department of Inland Fisheries and Wildlife (IFW) or the Natural Areas Program of the Department of Conservation, as appropriate.
- b. If any portion of the area to be developed includes areas mapped by the Maine IFW as Deer Wintering Areas, the developer shall consult with the Department on means to limit the impact of the development on the habitat, and incorporate those recommendations into the development plan insofar as practicable.
- c. If any portion of the area to be developed includes wetlands, as determined by the Town of Norridgewock, the Maine DEP, or a certified soil scientist, the developer shall avoid, minimize, and mitigate impacts on the wetland both during and after construction.

3. Groundwater Protection

- a. Any development generating a demand of 5,000 gallons per day or greater out of groundwater supplies shall not affect groundwater availability beyond the boundaries of the property.
- b. Within the area identified as Significant Sand and Gravel Aquifer by the Maine Geological Survey, no activity involving the production, use, or storage of hazardous or toxic chemicals or petroleum products shall be conducted except in accordance with a Spill Prevention and Management Plan developed at the time

of application and approved by the Town of Norridgewock.

G. Noise

1. No person shall, in any area which includes residential land uses (including hotels and motels), make, continue or cause to be made or continued any loud or unusual noises which shall interfere with normal activities or annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. Loud or unusual noises shall include but not be limited to:
 - A. The sounding of any horn or signaling device, except as a danger warning.
 - B. The playing of any machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet or comfort of neighboring inhabitants and passersby.
 - C. The use of any loudspeaker or amplifier for the purpose of commercial advertising or attraction of the public to a specific building or for the purpose of communication within a business building.
2. Noise may be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the most recent American National Standards Institute "Specification for General Purpose Sound Level Meters". Sound levels shall be measured at least 4 feet above ground at the property boundary.
3. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices are exempt from these provisions.
4. On sites abutting a residential use, development construction shall be staged so that exterior activities are not conducted between the hours of 9:30 p.m. and 6:00 a.m. The Review Authority may require additional measures for noise suppression. We do not have a description of "residential use". Wii be needed to defend.
5. The Board of Selectmen may grant temporary exceptions upon written request.

H. Outdoor Lighting

A development may employ outdoor lighting which serves security, safety, and operational needs to the extent that it does not impair the vision of vehicle operators on adjacent streets or infringe on the enjoyment of neighboring

properties. All lighting fixtures shall be full-cutoff so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

I. Parking

1. General

No new or expanded development shall be permitted unless off street parking is provided in accordance with the following provisions.

2. Parking Lot Design Criteria

a. Location

All parking spaces and aisles shall be at least five (5) feet from any side or rear lot line. This shall not be construed to eliminate the requirement for screening. Aisles and parking spaces shall not be located within the right-of-way of the public road.

b. Interior Circulation

- i. The entry lane(s) should be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. The entry lane shall not provide direct access to parking spaces.
- ii. Islands containing guardrails, curbs, fences, walls, or landscaping should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but shall be designed and placed so as not to impede views of pedestrians and vehicles.
- iii. No parking spaces shall be directly accessible from the public road, nor shall motorists be required to use the public road to enter or exit a space. All spaces shall be accessible from an aisle without the necessity of moving other vehicles.
- iv. Parking aisles should be oriented perpendicular to stores or businesses for safer pedestrian access and visibility.
- v. Any layout that utilizes vehicular access service (“drive-up”) windows shall provide a minimum of five car lengths of queuing space on the incoming side of the first window. The required queuing space shall be designed so that it shall not interfere with parking and circulation on the remainder of the site.

c. Layout of Parking Stalls and Aisles

- i. Parking stalls shall be a minimum of nine (9) feet in width by eighteen (18) feet in length. Stalls designated for handicapped use shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Stalls may be angled, provided aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by twenty-two (22) feet in length.
- ii. In paved lots, the planning board may require painted stripes to delineate parking stalls. If required, stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of twelve (12) inches on center.
- iii. Two-way aisles shall be a minimum of twenty-two (22) feet in width. One-way aisles shall be a minimum of eighteen (18) feet in width.
- iv. Bumpers or wheel stops shall be provided where improperly parked cars might restrict traffic flow or pedestrian movement on adjacent walkways, or damage landscape materials.
- v. Oversized parking spaces may be designated in areas that ordinarily serve such vehicles as recreational vehicles, travel trailers, delivery trucks or tractor-trailer trucks.

d. Standards for Number of Parking Spaces

i. Basic Requirements for Parking Space

Adequate off-street parking shall be provided by the developer. The table below shall be interpreted as a guide, subject to adjustments in Subsection ii, following. For uses not listed, the publication *Parking Generation, 3rd Edition* (ITE, most recent edition, see www.ite.org/tripgen) shall be consulted. Within each development, at least one space, plus one additional space for every twenty-five (25) required, shall be designated as available for handicapped persons:

# of Spaces	Land Use Activity
<i>Places of Residence or Accommodation</i> -- spaces per room or dwelling unit	
1/3	Dedicated Retirement Home, Nursing Care Facility
1	Overnight accommodations
2	Multifamily buildings
<i>Places of Public Assembly</i> -- spaces per seat based on maximum seating capacity	
1/4	Theater, with fixed seating
1/3	Church
1/2	Restaurant, Convention Center, Meeting Hall, Grange, Bottle Club
<i>Places of Commerce and Industry</i> -- spaces per 1,000 sq.ft. of gross floor area.	
1	Warehousing, Inside sales of motor vehicles
1 1/2	Industrial and Manufacturing Facilities, wholesaling
3	Grocery Stores over 5,000 sq.ft., Offices, professional, and personal services, except as noted.
4	Retail Sales except as noted
5	Banks, Medical and Dental Offices, Fitness Clubs, Child Care
<i>Public and Institutional Facilities</i> -- spaces per 1,000 sq.ft. of gross floor area	
2	Elementary Schools
4	Secondary School, Community Center, Municipal Office.
6	College, Hospital
<i>Miscellaneous</i> -- criteria as specified	
1 per 1,000 sf	Indoor Sports Facility (Tennis, Fitness, etc.) -- no spectators
1 per 4 seats, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre	Mini-golf, Go-Carts, and other Outdoor Amusements
5 per lane	Bowling Alley
3 per service bay + 1 per 10 vehicles displayed	Motor Vehicle Sales and Service

- ii. Flexibility in Standards: The Review Authority is permitted to modify these standards as minimum requirements, under the following circumstances:
 - a. By up to 10 percent, based upon a showing that similar uses under similar circumstances generate greater or less demand.
 - b. In Norridgewock, the Board of Selectmen, with a recommendation from the Planning Board may allow any use to meet its parking requirement through contributions to the development and maintenance of a municipal or public parking lot. Alternatively, the Board of Selectmen may reduce the required parking by up to 30 percent, upon the condition that provided off-street parking not be restricted to patrons/tenants of the development.
 - c. The following specified uses, because their peak hour/day varies from conventional parking demand, may meet up to 50 percent of their parking requirement through a shared-use agreement with another use: churches, clubs, restaurants, theaters, sports facilities.
 - d. A development may include as a portion of its parking requirement, the provision of parking spaces not located on the same lot provided a) that the spaces are located within 250 feet of the property, b) that a written agreement is in place for long-term use of the spaces, and c) that the spaces would not be among the minimum required for the use already existing on that lot.
 - e. The provision of spaces for vehicles used in the ordinary conduct of the business, such as construction vehicles, tractor-trailers, and vehicles displayed for sale, shall not be included in the above calculations.
 - f. The Review Authority may waive the installation of parking spaces provided that adequate provision is made for the development of these spaces as needed in the future, specified by conditions of the permit. Such conditions may require permanent set-aside of adequate space, and provision of construction plans along with specified conditions under which the installation will be triggered.
- iii. Impact on Physical and Environmental Resources. Parking lots shall not be excessively large, nor contain an area more than 25 percent greater than the minimum set by these standards.

The Review Authority may require use of pervious or semi-pervious materials as an alternative to pavement in order to reduce quantity or

improve quality of stormwater runoff.

- iv. Mixed Uses: Any portion of a building or lot with a use that is distinct from a principal use identified on the table above shall be considered as a separate use for the purpose of calculating spaces, if it exceeds in area or seating capacity 25 percent of the overall extent of the development. If a mixed use consists of any residential use combined with any commercial use, the planning board may waive or modify space requirements for the residential use unless it consists of more than 67 percent of the total floor space.
- v. Loading bays shall be provided as necessary. Loading bays shall be a minimum dimension of twelve (12) feet by fifty-five (55) feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

J. Screening of Structures, Parking Lots, and other Commercial Uses

1. Buffering from the Main Road.

New commercial uses shall be separated from the street by a vegetative buffer.

- a. Requirements for buffering are not intended to prevent any commercial establishment from having adequate visibility from the main road to promote its name and its products and services.
 - b. The placement, species, and beginning size of vegetation specified for the planned buffer must be included in the applicant's plot plan, and are subject to final approval by the Review Authority.
 - c. The buffer shall include a mixture of native shrubs and trees selected for adaptability to roadside conditions. The owner shall be responsible for maintenance of the buffer planting, and shall replace deceased plant material within one growing season.
2. In cases where a parking lot exceeds one hundred fifty (150) spaces, additional landscaping shall be placed within the lot, sufficient to divide the lot into two (2) or more smaller units of no more than 100 spaces each. Landscaped islands shall consist of fifteen (15) feet planted width, except that a pedestrian walkway may be placed within the area, provided that it occupies no more than one-half the width.
3. Screening of Adjacent Properties

Screening shall be required wherever a proposed commercial use abuts a residential development or pre-existing home, and in other instances where the Planning Board determines uses may be incompatible.

- a. Screening shall consist of a natural (preferred) or artificial visual buffer sufficient to ensure continuous year round screening. Screening shall be sufficient to minimize the impacts of large buildings, vehicle movements, outdoor storage areas, glare, and related commercial activity. Areas shall be maintained and vegetation replaced as necessary. The following is intended as a guide:
 - i. A fifty (50) foot minimum will be required if the buffer will consist of natural woodland, provided that the planning board may require supplemental plantings to achieve an effective visual screen.
 - ii. A twenty-five (25) foot minimum will be required if the buffer will consist primarily of dense planting of native coniferous trees.
- b. Where no vegetation can be maintained, or due to unusual site conditions, the planning board may approve a screen consisting of fences, walls, berms, or combinations thereof.

K. Signs

1. Abandoned Signs

Any free-standing sign which advertises a business conducted, product sold, or activity no longer in existence, or which, through lack of maintenance or other reason, becomes a hazard shall be removed by the owner, agent, or person responsible for the lot upon on which the sign is located.

2. Illuminated Signs

Signs may be illuminated internally or externally by full-cutoff lighting.

3. Sign Area and Placement

A new sign may not be placed within the road right-of-way and may not protrude beyond the property line. All signs must be mounted on buildings or secured to the ground in such a manner as to prevent them being dislodged by strong winds. Signs in the vicinity of an access point shall be placed so as not to obstruct driver vision.

L. Stormwater Management

1. All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity, and location of runoff. All systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or the

public drainage system. Where possible, existing natural features, such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of storm water.

2. Storm water drainage systems shall be designed to minimize the volume and rate of outflow from the development, including engineered measures and off-site improvements such that the downstream system can accommodate any additional runoff. The storm water management system shall be designed to accommodate the peak discharge of two (2) year, ten (10) year, and twenty-five (25) year frequency, twenty-four (24) hour duration storms.
3. Stormwater practices shall be as described in *Maine Stormwater Best Management Practices Manual*, Maine DEP, 2005 or most recent edition, see www.maine.gov/dep/blwq/docstand/stormwater/stormwaterbmps.
4. A stormwater control plan prepared according to the requirements of DEP Regulation chapter 500, "Stormwater Management" and Chapter 502 "Direct Watersheds of Waterbodies most at Risk From New Development" shall be deemed suitable to meet these standards.
5. Within lake watersheds, stormwater systems shall include runoff from roof drains and camp roads to encourage infiltration and minimize phosphorus loading.
6. Stormwater systems shall be maintained as necessary to ensure proper functioning at the applicants/property owners' expense.

M. Wastes

1. Solid Waste

The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The development will not produce wastes that exceed the capability of the transfer station, in either volume or type of waste. Any toxic, hazardous, or special waste must be disposed of in compliance with state and federal regulation and in a manner approved by the Review Authority.

2. Sanitary and Liquid Wastes

- a. A completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal shall be a prerequisite to approval.
- b. At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off site. All such plans shall be in conformance with applicable State and

Federal regulations.

N. Water Quality

1. General Standard

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, toxicity, or temperature that run into or mix with surface or ground waters so as to contaminate, pollute, or degrade such waters with objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

2. Impact on Groundwater

- a. The Review Authority shall require an assessment of the impact of a development on groundwater quality or quantity based on the proposed size or nature of the development in cases where the development is projected to generate demand of more than five thousand (5,000) gallons per day from groundwater sources. This assessment shall contain at least the following information:
 - i. A map showing the basic soils types, and the location of any subsurface wastewater disposal systems and drinking water wells within the development and within three hundred (300) feet of the development boundaries.
 - ii. Depth to the water table at representative points throughout the development.
 - iii. Data on the existing groundwater quantity and quality, either from test wells or from existing wells on neighboring properties.
 - iv. An evaluation of the effect of the development on groundwater. This evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within one thousand (1,000) feet from potential contamination sources.
- b. The assessment shall demonstrate that the development will comply with the following standards:
 - i. No development shall increase any contaminant concentration in the groundwater to more than one half ($\frac{1}{2}$) of the Primary Drinking Water Standards, nor to an amount to exceed the Secondary Drinking Water Standards as established by the Maine Dept. of Human Services at the time of the permit issuance.

- ii. If existing groundwater contains contaminants in excess of the primary standards, the applicant shall demonstrate no significant further deterioration. If groundwater contains contaminants in excess of the secondary standards, the development shall not cause the concentration of the parameters in question to exceed one hundred fifty (150) percent of the pre-existing concentration.
 - iii. Groundwater withdrawals or alteration of surface recharge characteristics by a proposed development shall not lower the water table beyond the boundaries of the development. No proposed development shall result in a lowering of the water table at the development boundary by increasing runoff or decreasing infiltration.
- c. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If any measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Plan, and as restrictions in the deeds to the affected lots.

3. Impact on Lake Water Quality

Any new or expanded development within the watershed of any Great Pond shall be designed to limit the post development phosphorus export consistent with the following standards and practices.

- a. Unless otherwise noted, methods and standards for review under this section will be the DEP manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, revised May 1992 or most recent edition (hereinafter referred to as "Phosphorus Control Method", see www.maine.gov/dep/blwq/doclake/).

O. Avoidance and Mitigation of Damages to the Public Infrastructure

1. Roads

- a. Applicants shall identify all county, city or township roads to be used for the purpose of transporting parts, cement, and/or equipment for construction, operation or maintenance of the development and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
- b. Conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
- c. Be responsible for restoring or paying damages as agreed to by the applicable

road authority(ies) sufficient to restore the road(s) and bridges to pre-construction conditions.

2. Drainage System

- a. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the development.

13. Definitions.

Abutter: Any lot which is physically contiguous with the lot in question or within 500 feet horizontal distance of the lot line, even if only at a point and any lot which is located directly across the public or private street from the lot in question.

Accessory building, accessory structure or use: A detached, subordinate building or structure, the use of which is clearly incidental and related to that of the principal building or structure and which is located on the same lot as that of the principal building, structure or use.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this ordinance; A person whose land abuts land for which a permit or variance has been granted, or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture (Agricultural Production): The production, keeping or maintenance for sale or lease, of plants and /or animals, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products, livestock; fruits and vegetables; and ornamentals and green house products.

Agricultural structure: a building, enclosure, or fence for (1) housing livestock; (2) raising horticultural or agronomic plants; or (3) carrying out other practices associated with accepted agricultural or farming practices.

Applicant: A person, group of people, business or corporation applying for a permit under this Ordinance.

Aquifer: A saturated permeable geologic unit that can transmit significant quantities of water under ordinary hydraulic gradients.

Business Day: Any day that the Municipal Town Office is open for at least 4 hours in a day.

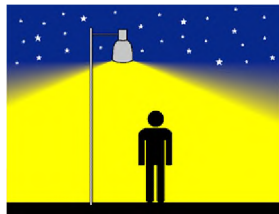
Building: Any structure having a roof supported by columns or walls intended for sheltering or housing people, animals, business processes or activities, equipment, goods or materials of any kind or nature.

Critical Natural Area: Any area identified and listed by the Natural Areas program of the Maine Department of Conservation as containing rare or unique botanical features or habitat for rare, threatened, or endangered plant species or rare and unique natural communities.

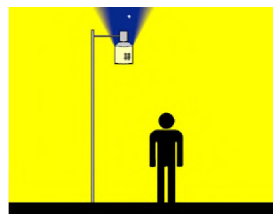
Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

Development: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Full-cutoff Light: A lamp where all light is directed down towards the ground, and no light is directed up into the sky (graphics below courtesy The University of Texas McDonald Observatory).



Full-cutoff Light



NOT full-cutoff

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Habitable: Space in a structure that can be lived in, worked in or used for any significant human purpose such as residences, places of worship, business establishments, schools, hospitals or municipal buildings.

Historic or Archeological Resource: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archeological resource.

Impervious surface: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low permeability material, such as asphalt or concrete and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability.

Large-scale Retail Development – A development as defined in 30-A M.R.S.A. section 4366.

Level of Service: A term used by traffic engineers, indicating a scale of “A” to “F”, measuring the

volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of service “E” to “F” describe road situations with severe problems attributable to traffic congestion.

Material (Mineral) Extraction Operation: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of more than 1,000 cubic yards of product or overburden from the earth within 12 successive calendar months; any activity or process that for the extraction or removal of the product or overburden; and the preparation, washing, cleaning or other treatment of that product so as to make it suitable for commercial, industrial or construction use, but it shall not include the excavation or grading preliminary to a construction project.

Peak Hour Volume: The highest number of vehicles found to be passing over a section of a lane or roadway during any 60 consecutive minutes. Typically there is a peak hour condition in the A.M. and a peak hour condition in the P.M. for which the roadway or intersection is analyzed for capacity and level of service.

Residential Use: One (1) or two (2) family homes only and shall include modular, prefabricated and manufactured homes known as Mobile Homes exclusively for residential occupancy and may contain one or two families as a principal dwelling. The homes shall be detached or semi-detached used for residential occupancy only.

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles. For the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 ½ feet above the driveway at a point ten (10) feet behind the street line, to an object 4 ½ feet above the street.

Sign: An advertising message, graphic illustration, or insignia erected or inscribed for public view for the purpose of promoting the interests of the occupant of the premises or owner of the sign.

Sign Area: The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.

Sign, canopy or projecting: A sign that is a part of a or attached to an awning, canopy, or other fabric, plastic, or structure protective cover over a door, entrance, window or outdoor service area. It also means a sign that is attached to the building wall and extends more than 6 inches from the face of such wall.

Sign, freestanding: A sign that is directly and permanently supported, and physically separated from any other structure.

Street, Public: An existing state, county, or town way; dedicated for public use and shown upon

a plan approved by the Planning Board and recorded in the County Registry of Deeds.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground.

Substantial Start: This should be based on measuring actual construction. Such measurement would be determined by the Code Enforcement Officer and applicant prior to Permit issuance.

Water body or watercourse or surface water(s): Any river, stream, brook, pond, lake or wetland.

Wetland: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland includes swamps, marshes, bogs, certain forest areas and similar areas.

Zone of Contribution: An area of an aquifer that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield with no recharge from precipitation). It is bounded by the groundwater divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, the zone of contribution shall extend up gradient to its point of intersection with prevailing hydrogeological boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

TOWN OF NORRIDGEWOCK
STREET NAMING AND HOUSE NUMBERING ORDINANCE

ADOPTED AT A SPECIAL TOWN MEETING ON JUNE 19, 1994.

SECTION 1. PURPOSE

The purpose of this Ordinance is to establish an official street naming and house numbering method for the Town of Norridgewock that will provide an actual physical location, in conformity of address, between local property tax maps, mailing and other delivery services, enhanced 911 telephone system, and to assist emergency vehicles. This Ordinance is adopted pursuant to 30-A MRSA Section 3001 for the purpose of protecting public health, safety and welfare.

SECTION 2: AREA OF APPLICABILITY

This Ordinance shall apply to any street, building or vacant lot in the Town of Norridgewock.

SECTION 3: AUTHORIZATION

The Board of Selectmen or its designee shall have the sole authorization to assign numbers to any building or vacant lot within the boundary lines of the Town of Norridgewock. That number shall be the official address used for property identification on Town records. The Town Manager shall be designated as the Addressing Office with signatory powers.

SECTION 4: METHOD OF NUMBERING

All buildings within the Town of Norridgewock used as residences or businesses shall obtain an identifying number. It shall be the responsibility of the property owner to make known to the Addressing Officer the location of the building for addressing purposes. Numbers will assigned at 50 foot intervals according to the following:

- A. Beginning at the point of the road closest to the center of Town, designated as the Monument, numbers will proceed sequentially to the farthest point.
- B. All structures on the right side of the street/road will be assigned an odd number.
- C. All structures on the left side of the street/road will be assigned an even number.
- D. Where 2 or more structures fall on the same address point, the way accessing the distant structures shall be named and signed. (See Section 7).

SECTION 5: NUMBERS AFFIXED TO BUILDINGS

Upon written notification to do so from the Board of Selectmen or its designee, the owner or occupant of any dwelling or business shall, within thirty (30) days, cause to be affixed to such dwelling or business, the designated number. The number shall be of reflective material, not less than three inches in height, and placed on the building in such a manner as to be plainly visible and legible from the street or to a person approaching from the street. Where the building is placed at such a distance from the street or road that a number placed on it is not visible, the number shall be placed on a post or other suitable object in such a manner as to be visible from the street. During the initial phase of numbering, the Town will provide appropriate numbers to all owners or occupants of record, and structures or replacements, shall be purchased by the owner or occupant but must conform in size and reflectivity. Any person who neglects or refuses so to number such structure or erects a number other than that assigned shall cause the proper number to be affixed at the expense of the owner or occupant.

SECTION 6: NAME OF NEW STREETS

The Board of Selectmen or its designee shall have the sole authorization to provide the name of a new street that is to be maintained by the Town of Norridgewock. However, a subdivision street will also be subject to approval by the Planning Board.

SECTION 7: PRIVATELY OWNED WAYS

All private roads or ways, serving two (2) or more numbered structures or providing access to other privately owned ways, shall be named, and approved by the Selectmen or designee.

SECTION 8: ENFORCEMENT AND VIOLATION OF THIS ORDINANCE

The Code Enforcement Officer of the Town of Norridgewock shall have the responsibility of enforcing this Ordinance. The Town does not wish to impose fines for violation of this Ordinance. The numbering system will assist the Town in providing services, and failure to comply may make it more difficult to do so.

SECTION 9: APPEAL

Any persons aggrieved by a decision of the code enforcement officer in the administration or enforcement of this Ordinance may appeal that decision to the Town of Norridgewock Board of Appeals at any time within thirty (30) days of notification of violation, by informing the Town Clerk, in writing, of said appeal.

SECTION 10: VALIDITY, SEVERABILITY, AND CONFLICT WITH OTHER ORDINANCES

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by vote of the municipal legislative body.

NORRIDGEWOCK SUBDIVISION ORDINANCE

ADOPTED AT ANNUAL TOWN MEETING

MARCH 6, 2006

Section 1 General

- A. Title:
This Ordinance shall be known as the Town of Norridgewock Subdivision Ordinance and will be referred to as “This Ordinance”.
- B. Authority:
This Ordinance has been prepared in accordance with the provisions of Title 30 - A, M.R.S.A. Section 4401 through 4407.
- C. Purpose:
The purposes of this Ordinance are:
- To provide for an expeditious and efficient process for the review of proposed subdivisions.
 - To clarify the approval criteria of the State Subdivision Law, found in Title 30 -A, M.R.S.A. Section 4404.
 - To preserve and enhance the rural character of the community.
 - To assure the safety, health, and welfare of the people of the Town of Norridgewock.
 - To protect the natural resources of the Town of Norridgewock.
 - To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions can support the proposed uses and structures.
 - To promote the development of an economically sound and stable community.
- D. Applicability:
The provisions of this Ordinance shall apply to all development considered a subdivision as defined by Title 30 -A, M.R.S.A Section 4401 and this Ordinance.
- E. Effective Date:
The effective date of this Ordinance shall be the date of the adoption by the Town of Norridgewock on:
- F. Conflicts with other Ordinances:
Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.
- G. Validity and Severability:
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- H. Availability:
A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request. Notice of availability of this Ordinance shall be posted

- in the Town Office.
- I. Application Forms:
The Town of Norridgewock Planning Board shall develop application forms to be used by all applicants seeking subdivision approval.
- J. Application Fee:
All applications for subdivision approval shall be accompanied by a non-refundable fee, determined annually by the Board of Selectmen, and made payable to the Town of Norridgewock:
- K. Amendments:
This Ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special town meeting or by referendum ballot.

Section 2 Definitions

Abutter: The owner of any property with one or more common boundaries, or across the road from the property involved in an application.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit under this Ordinance; a person whose land abuts lands for which a permit has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of a permit.

Applicant: The person applying for subdivision approval under this Ordinance.

Complete Application: An application shall be considered complete upon submission of the required fee and all the information required by this Ordinance, or by a vote to waive certain submission or performance standards by the Planning Board.

Final Plan: The final drawings and other required materials on which the applicant's plan of subdivision is presented to the Planning Board for approval which, if approved, may be recorded at the Registry of Deeds.

Person: includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Preliminary Plan: The preliminary drawings and other required materials indicating the proposed layout of the subdivision to be submitted to the Planning Board for consideration.

Property Owner: The owner of land shall be determined to be that person listed on the Town of Norridgewock property tax assessment records.

Public Improvements: The term shall include all roads; fire protection structures and ponds; any structure or land proposed to be dedicated to the Town; any land or structure which is offered as an easement to the Town; and, all storm drainage structures that are designed to allow water to flow outside the property of the subdivision.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review before submitting an application for subdivision approval.

Subdivision: As defined in Title 30 - A, M.R.S.A. Section 4401.

Wetland: A swamp, marsh, bog or similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. This is also meant to include forested wetlands.

Section 3 Review Criteria

The Planning Board shall consider the following criteria and before granting approval must determine that:

- A. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - The elevation of the land above sea level and its relation to the floodplain,
 - The nature of the soils and subsoils and their ability to support waste disposal adequately,
 - The slope of the land and its effect upon effluents, and,
 - The applicable state and local health and water resource rules and regulations.
- B. The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.
- C. The proposed subdivision will not cause an unreasonable burden on an existing municipal or private water supply, if one is to be used.
- D. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.
- E. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.
- F. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are used.
- G. The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if Town services are used.
- H. The proposed subdivision will not have an undue adverse effect on historic sites, archeological sites, or significant wildlife habitat as identified by the Department of Inland Fisheries and

Wildlife.

- I. The proposed subdivision conforms with all the applicable standards and requirements of this Ordinance, the comprehensive plan, and other local ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.
- J. The subdivider has adequate financial and technical capacity to meet all the review criteria, standards, and requirements contained in this Ordinance.
- K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- L. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- M. Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, information must be presented by the applicant as to whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.
- N. All fresh water wetlands within the proposed subdivision must be identified on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts.
- P. The proposed subdivision will provide for adequate storm water management.
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.
- R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.
- S. For any subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Section 4 Administration and General Procedures

A. Administration:

1. The Planning Board shall administer this Ordinance and review all subdivision applications according to the applicable review criteria and standards.

B. Decisions:

1. The Code Enforcement Officer shall determine if the subdivision application is complete and present his/her finding to the Planning Board.
2. After review of a complete application the Planning Board shall determine whether the application meets the Review Criteria contained in Section 3 of this Ordinance. The Planning Board shall vote to approve the application, deny the application, or approve the application with conditions.
3. If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in the Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. All conditions approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision and on the final subdivision plan.
4. The Planning Board shall list any waivers approved by the Board on its decision form, and, on the final subdivision plan, and the reasons for such approval.

C. Burden of Proof:

1. The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Ordinance.

D. Rights Not Vested:

1. The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, M.R.S.A., Section 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

E. Site Inspection:

1. The Code Enforcement Officer shall conduct an on-site inspection of the proposed project and report his/her findings to the Planning Board.
2. The Planning Board may vote to conduct an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the sketch

plan meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.

F. Waivers:

1. The Planning Board may vote to waive any of the review criteria and/or ordinance performance standards when it finds one of the following:
 - a. One or more of the review criteria and /or ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposal.
 - b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the performance standards.
2. The applicant shall submit information and materials that support the waiver request with the application.
3. The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

G. Subdivision Review Process:

1. All subdivision applicants shall be required to follow a three-tier review process as follows:
 - Sketch Plan Review
 - Preliminary Plan Review
 - Final Plan Review

H. Revisions to Approved Plans

1. An application for a revision to a previously approved plan shall be submitted to the Planning Board at least 14 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. If the revision only involves minor modifications to the plan, the Planning Board may consider the revision request at the meeting. The Planning Board may vote to hold a public hearing on the proposed revision.
2. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised or that are adversely affected by the proposed revision.
3. The applicant shall submit a copy of the approved plans and 7 copies of the revised

portions of the plans. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.

4. The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted to ensure that the review criteria are met.

I. As Built-Plans:

1. Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board, Code Enforcement Officer, and the Road Commissioner.

J. Appeals :

1. An aggrieved party may appeal any final decision of the Planning Board under this Ordinance to the Norridgewock Board of Appeals, within 45 days of the date the Planning Board issues a written order of its decision.

K. Public Hearing Requirements:

1. The Planning Board shall hold a public hearing on all final plan applications to receive public comment and information concerning the application.
2. The public hearing notice shall be made as follows:
 - a. The Planning Board shall hold a public hearing within 35 days after determining that the application is complete. A notice of the date, time and place of the public hearing shall be:
 - (1) Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.
 - (2) Mailed by first class mail to the applicant, at least 14 days prior to the public hearing.
 - (3) Mailed by first class mail to all property abutters, at least 14 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.
3. The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

L. Joint Meetings:

1. If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A, M.R.S.A., Sections 4401- 4407.

M. Performance Guarantee:

1. A performance guarantee may be required for all public improvements proposed for the subdivision. If required the applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan.

2. The performance guarantee shall include one of the following:
 - a. A certified check, in an amount equal to the expense of installing the public improvements, made payable to the Town.
 - b. A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the Town, issued by a surety company.
 - c. A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements. A phase development plan may be incorporated into the conditional agreement.
 - d. An irrevocable letter of credit from a bank or other lending institution which shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.
3. Prior to the release of the performance guarantee, the Planning Board shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Ordinance and the subdivision plans. The Planning Board shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspectors.
4. If, the Planning Board, Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Town Manager and Selectmen. The Selectmen shall take any steps necessary to preserve the Town's rights.

N. Inspection Requirements:

1. The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:
 - a. The Road Commissioner shall inspect all roads including roads to be considered for public acceptance and private roads and associated drainage systems. (All roads shall be inspected according to the road standards contained in the Norridgewock Road Ordinance).
 - b. The Local Plumbing Inspector shall inspect the installation of all subsurface waste water treatment systems.
 - c. The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.
2. The applicant shall be responsible for scheduling all inspections with the Code Enforcement Officer. The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exists and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Planning Board and the Selectmen whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Planning Board and the Selectmen.

Section 5 Sketch Plan Review

- A. Purpose:
The purpose of the sketch plan submittal is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.
- B. Procedure:
1. The applicant shall submit a complete sketch plan application to the Planning Board at least 14 days before a scheduled meeting of the Planning Board.
 2. The applicant shall present the sketch plan application to the Planning Board and make verbal presentation regarding the site and the proposed subdivision.
 3. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated into the application.
 4. The Planning board shall determine the contour intervals to be shown on the plan.
 5. The Planning board shall decide if the proposed subdivision meets the definition of a subdivision and if the applicant may submit a final plan for consideration.
- C. Submissions:
1. The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-handed penciled sketch.
 2. The sketch plan shall be submitted on the application forms provided by the Planning Board and include the following:
 - a. A copy of the Tax Assessors map of the site and surrounding area.
 - b. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
 - c. A copy of the County Soil Survey showing the area of the proposed subdivision.

Section 6 Preliminary Plan Review

- A. Procedure:
1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete preliminary plan application to the Town Clerk and/or the Code Enforcement Officer. The applicant shall be issued a dated receipt and the preliminary plan application shall be placed on the Planning Board's agenda to be reviewed for a complete application.
 2. The application shall include 7 complete copies of all maps and related attachments. The

Planning Board shall receive 5 copies; the Code Enforcement Officer shall receive one copy; and, one shall be placed in the Town Office for public review.

3. As soon as possible, after the receipt of the preliminary plan the Town shall notify by first class mail all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Planning Board shall maintain a list of all abutters notified by first class mail, specifying the date the notice was mailed.
4. Within 35 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the board shall notify the applicant of the specific material needed to complete the application.
5. The Planning Board may hold a public meeting within 35 days of determining that it has received a complete application.
6. Within 35 days of the public meeting, or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
7. Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of this Ordinance and conditions of preliminary approval, if any.

B. Preliminary Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision meets the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application fee has been paid.
 - b. A preliminary plan application form and all required attachments and maps.
 - c. Waiver request form, if applicable.
 - d. A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties. The map shall show the following:
 - (1) Boundaries and designations of all shoreland zoning and other land use districts.
 - (2) An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.

- e. The following general information:
- (1) Name and address of the applicant and applicant's agent.
 - (2) The applicant shall provide proof of right, title or interest in the property.
 - (3) A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.
 - (4) The book and page and tax map and lot information of the property.
 - (5) The names of all property owners abutting the property.
 - (6) Acreage of the proposed subdivision, acreage of roads, and acreage of any land not included in the subdivision.
- f. A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:
- (1) Name of the subdivision.
 - (2) Number of lots.
 - (3) Date, north point, graphic scale.
 - (4) Proposed lot lines with dimensions.
 - (5) A survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.
 - (6) Contour intervals as specified by the Planning Board.
 - (7) The location of all wetlands regardless of size.
 - (8) The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.
 - (9) The location of all slopes in excess of 20% slope.
 - (10) The number of acres within the subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing features.
 - (11) The location of any significant sand and gravel aquifers,
 - (12) The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.
 - (13) The boundaries of all shoreland zoning districts.
 - (14) The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.
 - (15) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.
 - (16) The location of all rare and endangered plants as identified by the Department of Conservation.
 - (17) The location of all subsurface wastewater disposal system test pits or borings and test data and appropriate documentation.
 - (18) The location of all existing and proposed wells and appropriate documentation.
 - (19) All erosion control features proposed for the site.
 - (20) All storm water control features proposed for the site.
 - (21) All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed

- to be offered for public acceptance to the Town.
 - (22) Documentation showing that adequate public water and/or sewer is available to serve the subdivision if municipal services are to be used.
 - (23) Road plans, specifications and appropriate documentation as required by the Norridgewock Road Ordinance.
 - (24) The type and location of any proposed fire control features, and appropriate documentation.
- g. A statement indicating how the solid waste from the subdivision will be handled.
 - h. Documentation indicating that the applicant has the financial and technical capacity to meet the requirements of this Ordinance.
 - i. Any other data necessary to meet the requirements of this Ordinance.
 - j. Indicate how all roads and other public improvements will be maintained until the improvements are dedicated to the Town or for private roads and improvements, how they will maintain them over their lifespan.
 - k. One sheet may be prepared with all requirements of g through j listed and signed by all the proper authorities.

SECTION 7 Final Plan Review

A. Procedure:

1. The applicant shall, at least 14 days prior to a scheduled meeting of the Planning Board, submit a complete final plan application to the Code Enforcement Officer. The applicant shall be issued a dated receipt and the final plan application shall be placed on the Planning Board's agenda to review for a complete application.
2. The application shall consist of 2 mylar and 3 paper copies. The Planning Board shall receive 2 mylar and 3 paper copies. One paper copy shall be placed in the Town Office for Public review.
3. Within 35 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific material needed to complete the application.
4. The Planning Board may schedule a public hearing to review the final plan within 35 days of determining that it has received a complete application.
5. Within 35 days of the public hearing or within another time as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.
6. Upon voting to approve the final plan, the Planning Board shall sign 2 mylar and 3 paper copies. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 45 days of the date upon which the plan is approved. After recording, the Planning Board shall receive one mylar and 2 paper copies. Failure to file the plan with the Register of Deeds, within 45 days, shall make the plan null and void. Final Plans not

filed in the appropriate time shall be resubmitted to the Planning Board according to the requirements of Section 7 of this Ordinance.

The Applicant shall provide the Town proof that the Subdivision Plan was filed with the Register of Deeds, and shall submit to the Tax Assessors a copy of the subdivision plan showing the proposed lots, which corresponds to the scale of the Town Tax map showing the subdivision.

B. Final Plan Submissions:

1. The applicant is responsible for supplying all the necessary information to show that the proposed subdivision meets the review criteria and requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:
 - a. A receipt from the Town indicating that the application fee has been paid.
 - b. A final plan application form and all required attachments and maps.
 - c. All the submission materials required for a preliminary plan.
 - d. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.
 - e. All waivers approved by the Planning Board shall be shown on the final plan.
 - f. All additional studies and/or materials required by the Planning Board, as applicable.
 - g. A signature block shall be provided on the final plan.
 - h. A performance guarantee, if applicable.
 - i. The location and type of all permanent markers set at all lot corners.
 - j. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents accomplishing such land dedication.
 - k. Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any conditions or restrictions placed on the subdivision by the applicant.
 - l. Proof that all other applicable State and Federal permits have been obtained.

Section 8 Performance Standards

- A. The performance standards contained in this section shall apply to all subdivision proposals in the Town of Norridgewock.

B. Minimum Lot Requirements

1. Any lot within the Norridgewock Water District shall have at least 20,000 square feet of lot area and not less than 100 feet of road frontage. Any lot outside of the Norridgewock Water District shall have at least 30,000 square feet of lot area and not less than 150 feet of road frontage except in the situation of a cul-de-sac (dead-end road) on a private road when the frontage will be seventy five feet.

C. Monuments:

1. Permanent monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:
 - a. At all road intersections and points of curvature, but no farther than 750 feet apart

- along road lines without intersections or curves.
- b. At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.
- c. At all other subdivision boundary corners and angle points plus lot boundary corners and angle points.
- d. If lot lines are not 90 degrees to the road, then monuments shall also be set 100 feet from the road at each side line.

D. Water Supply:

- 1. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
- 2. The water supply for the subdivision and each lot shall be adequate to supply all the potable, and other water requirements of the development. The applicant shall submit documentation from a Hydrologist or a Well Driller familiar with the area, stating that adequate water is available to supply the subdivision.
- 3. Public Water Supply:
The applicant shall submit a letter from the Norridgewock Water District indicating that an adequate supply of water is available to serve the subdivision.

E. Fire Protection and Other Emergency Vehicles:

- 1. They shall design the subdivision so that the Fire Department and all other emergency vehicles shall have unrestricted access to all developed areas within the subdivision.

F. Subsurface Wastewater Disposal Systems:

- 1. The applicant shall submit evidence of site suitability for subsurface wastewater disposal system prepared by a Licensed Site Evaluator in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine. All test pit or test boring locations shall be shown on the subdivision plan and be accompanied by an HHE-200 Form or other format which shows the appropriate soils data.
- 2. The applicant shall submit the test pit/boring data to the Town of Norridgewock LPI for review. The LPI shall review the data for conformance with State Law and this Ordinance and issue the applicant a written statement. The LPI shall state whether the data submitted is sufficient to make a reasonable determination that the soils will accommodate a subsurface system or indicate if additional data or site analysis is needed. The applicant shall submit the LPI's statement with the preliminary plan application.
- 3. In no instance shall a disposal area for a lot or structure be granted a New System Variance from the Subsurface Wastewater Disposal Rules. Holding tank systems shall not be allowed to serve new lots or structures.

G. Public Sewer

- 1. The applicant shall obtain a letter from the Town Manager/Sewer Administrator indicating

that the proposed subdivision sewer lines including the connection to the municipal system are adequate and conform to all applicable town standards.

H. Erosion Control:

1. All activities which involve filing, grading, excavation or other similar activities which result in unstabilized soil conditions shall comply with the following:
 - a. The site shall be developed to prevent soil erosion from entering waterbodies, wetlands, stormwater drainage features, and adjacent land. All temporary and permanent erosion control measures shall be designed in accordance with the “Maine Erosion and Sedimentation Control handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environment Protection, March 1991 or as most recently amended.
 - b. All temporary and permanent erosion features shall be shown on the subdivision plan.

I. Stormwater Control:

1. All construction and development shall be designed to minimize storm water runoff from the site. Where possible existing natural runoff control features shall be retained to reduce runoff and encourage infiltration.
 - a. A storm water control plan shall be developed to limit peak discharges from the site to predevelopment levels through a system of swales, culverts, and best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995 or as most recently amended.
2. A storm water control plan shall be developed as required, by a registered engineer, for the site according to the following standards:
 - a. Peak discharges shall be limited to the predevelopment levels for the 2-year, 10-year and 25-year frequency, 24 hour duration storm.
 - b. A storm water control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Direct Watersheds of Waterbodies Most at Risk from New Development shall be deemed to be a suitable equivalent to these standards.

J. Waterbody Protection:

1. The locations of all rivers, streams, brooks, and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.

K. Ground Water:

1. Any development proposed within a Sand and Gravel Aquifer as identified by the Town of Norridgewock shall be designed and constructed according to a plan which takes into

account the impact of the development upon the aquifer.

2. The Planning Board may require the applicant to provide a plan developed by a hydrologist which shows that the proposed development will not have an adverse impact upon the aquifer. The Planning Board, in making the determination that a plan is required, shall consider the density of the development, and existing conditions or problems within the area.

L. Historic, Archeological, Wildlife Habitat, Scenic Areas, and Rare and Natural Areas:

1. The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed in accordance with the following:
 - a. If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Preservation Commission, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.
 - b. If any portion of the site is within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.
 - c. If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife habitat areas shall include the following:
 - (1) habitat or endangered species appearing on the official state or federal list of endangered or threatened species.
 - (2) High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
 - (3) Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

M. Financial and Technical Capacity:

1. The applicant shall submit evidence if required by the Planning Board that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:
 - a. A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and experience with projects of similar size and scale.
 - b. A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and experience with projects of similar size and scale.

- c. A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time specified by the applicant.
- N. Conformity With All Other Applicable Local Ordinances:
 - 1. The applicant shall show that the subdivision meets all other applicable local ordinances including Shoreland Zoning, Floodplain Management and the Norridgewock Road Ordinance.
- O. Road and Traffic Access Standards:
 - 1. All proposed public and private subdivision roads shall be designed, constructed and installed according to the Road Ordinance of the Town of Norridgewock.
 - 2. Previously accepted existing Town ways may be exempted.
- P. Agricultural, Forest and Rural Resources
 - 1. Whenever a proposed subdivision is adjacent to an active farm, pasture field, a woodlot listed under Tree Growth, a productive forestry site or a borrow pit operation, suitable provisions shall be incorporated in the subdivision proposal to minimize future conflicts between residential sites and agricultural, forestry or borrow operations. A disclosure notice, shall be included in the deed for each lot, to inform the new landowner that agricultural, forestry or borrow pit activities generate noise, dust and odors.

SECTION 9. ENFORCEMENT

- A. It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of this Ordinance.
- B. No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.
- C. A person shall not offer to convey or convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- D. A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- E. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- F. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land, or lots, or construction of buildings, which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.

- G. No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot.
- H. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. ss.4452.

APPENDIX A

SUBDIVISION LAW

TITLE 30-A SECTION 4401-4407

Title 30-A Chapter 187 Planning and Land Use Regulation (Heading: PL 1989 c 104 Pt A @45

- B. Granting approval of the proposed subdivision or [1989 c 104 Pt A Section 45 and Pt C Section 10 (new) 1
- C. Granting approval upon any terms and conditions that it considers advisable to:
 - (1) Satisfy the criteria listed in section 4404;
 - (2) Satisfy any other regulations adopted by the reviewing authority; and
 - (3) Protect and preserve the public's health, safety and general welfare (1989. c 104 Pt A section 45 and Pt C Section 10 (new).]
- 6. Burden of proof; findings of fact. In all instances, the burden of proof is upon the person proposing the subdivision. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does not meet the criteria described in subsection 5. [1989 c 104, Pt A section 45 and Pt C section 1(new)].
- 7. Conditioned on variance. If the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance, the subdivider must comply with section 4406, subsection 1, Paragraph B. [1989 c 104 Pt A Section 45 and Pt C Section 10 (new)].

PL 1989 Ch 104 Section A45, C10 (new).

PL 1989 Ch 497 Section 4-7 (amd)

PL 1995 Ch 93 Section 1 (amd)

PL 1997 Ch 226 Section 1 (amd)

PL 1999 Ch 761 Section 11 (amd)

Section 4404 Review Criteria

When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that: [1989 c 104 Pt A Section 45 and Pt C Section 10 (new)].

- 1. Pollution> The proposed subdivision will not result in undue water or airpollution. In making this determination, it shall at least consider: [1989 c 104 Pt A section 45 and Pt C Section 10 (new)].
 - A. The elevation of the land above sea level and its relation to the flood plains; [1989 c 104 Pt A Section 45 and Pt C section 10 (new)].
 - B. The nature of soils and subsoils and their ability to adequately support waste disposal; [1989 c 104 Pt A Section 45 and Pt C section 10 (new)].
 - C. The slope of the land and its effect on effluents: [1989 c 104 Pt A Section 45 and Pt C section 10 (new)].
 - D. The availability of streams for disposal of effluents; and [1989 c 104 Pt A Section 45 and Pt C Section 10 (new)].
 - E. The applicable state and local health and water resource rules and regulations; [1989 c 104 Pt A

- Section 45 and Pt C Section 10 (new)].
2. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision. [1989 c 104 Pt A Section 45 and Pt C section 10 (new)].
 3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used; [1989 c 104 Pt A Section 45 and Pt C Section 10 (new)].
 4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results; [1989 c 104 Pt A Section 45 and Pt C section 1(new)].
 5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and if the proposed subdivision requires driveways or entrances to a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 4. Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 Section 4 and any rules adopted under that section; [2001 c 560 Section 1 (amd)].
- H-1. This subchapter may not be construed to prevent a municipality from enacting an ordinance under its home rule authority that:
- (1) Expands the definition of "subdivision" to include the division of a structure for commercial or industrial use; or
 - (2) Otherwise regulates land use activities.

A municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in this subchapter. A municipality that has a definition of "subdivision" that conflicts with the requirements of this subsection at the time this paragraph takes effect shall comply with this subsection no later than January 1, 2006. Such a municipality must file its conflicting definition at the county registry of deeds by June 30, 2003 for the definition to remain valid for the grace period ending January 1, 2006. A filing required under this paragraph must be collected and indexed in a separate book in the registry of deeds for the county in which the municipality is located.

[201 c 651 section 3 (new)].

- I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D-1 to D-6, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.
[201 c 359 section 5 (amd)].
5. New structure or structures. "New structure or structures" includes any structure for which construction begins on or after September 23, 1988. This area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this subchapter.
{1989 c 104 Pt A section 45 and Pt C section 10 (new)].
6. Tract or parcel of land. "Tract or parcel of land" means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road established by the owner of land on both sides of the road. [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
7. Outstanding river segments. In accordance with Title 12, section 402, "outstanding river segments" means: [1989 c 104 Pt A Section 45 and Pt C section 10 (new); c 497 section 3

(amd).]

- A. The Aroostook River from the Canadian border to the Masardis and T.10, R.6, W.E.L.S town line, excluding the segment in T.9, R.5 W.E.L.S [1989 c 104 Pt A section 45 and Pt C Section 10 (new)].
- B. The Carrabassett River from the Kennebec River to the Carrabassett Valley and Mt Abram Township town line; [1989 c 104 Pt a Section 45 and Pt C section 10 (new)].
- C. The Crooked River from its inlet into Sebago Lake to the Waterford and Albany Township town line. [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
- D. The Damariscotta River from the Route 1 bridge in Damariscotta to the dam at Damariscotta Mills; [1989 c 104 Pt A section 45 and pt C section 10 (new)].
- E. The Dennys River from the Route 1 bridge to the outlet of Meddybemps Lake, excluding the western shore in Edmunds Township and No. Plantation; [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
- F. The East Machias River, including the Maine River, from ¼ of a mile above the Route 1 bridge to the East Machias and T.18, E.D., B.P.P. town line, from the T.19, E.D., B.P.P. and Wesley town line to the outlet of Crawford Lake, and from the No. 21 Plantation and Alexander town line to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Lower Mud Pond and Upper Mud Pond. {1989 c 104 Pt A section 45 and Pt C section 10 (new)].
- G. The Fish River from the bridge at Fort Kent Mills to the Fort Kent and Wallagrass Plantation town line, from the T.16, R.6, W.E.L.S. and Eagle Lake and Winterville Plantation town line, and from the T.14, R.6, W.E.L.S. and Portage Lake town line to the Portage Lake and T.13,R.7, W.E.L.S. town line, excluding Portage Lake;[1989 c 104 Pt A section 45 and Pt C section 10 (new)].
- H. The Kennebec River from its inlet into Cupsuptic Lake to the Rangeley and Lower Cupsuptic Township town line; [1989 c 104 Pt A section 45 and Pt C section 10 (new)].

Title 30-A Chapter 187, Planning and Land Use Regulation (Heading: PL 198, c 104, Pt A @45 (new).

- B. A concrete monument. [1989, c 104, Pt A section 45 and Pt C section 10 (new)].
 - C. An iron pin; or [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
 - D. A drill hole in ledge. {1989 c 104 Pt A section 45 and Pt C section 10 (new)}
3. Utility installation: A public utility, water district, sanitary district or any utility company of any kind may not install services to any lot or dwelling unit in a subdivision, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officers and the utility, except that if a public utility, water district, sanitary district or utility company of any kind has installed services to a lot or dwelling unit in a subdivision in accordance with this subsection, a subsequent public utility, water district, sanitary district or utility company of any kind may install services to the lot or dwelling unit in a subdivision without first receiving written authorization pursuant to this section. [2001 c 40 section 1 (amd)].
4. Permit display. A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on site while work authorized by the permit is being conducted. [1991 c 838 section 15 (new)].
- PL 1989 Ch 104 Section A45, C10 (new)
- PL 1989 Ch 326 Section 2 (amd)

PL 1989 Ch 497 Section 10 (amd)
PL 1989 Ch 769 Section 1 (amd)
PL 1989 Ch 772 Section 4 (amd)
PL 1991 Ch 548 Section D5 (amd)
PL 1991 Ch 838 Section 15 (amd)
PL 1997 Ch 199 Section 1 (amd)
PL 2001 Ch 40 Section 1 (amd)

Revisions to existing plat or plan

Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended. In reviewing such an application, the municipal reviewing authority shall make findings of fact establishing that the proposed revisions do or do not meet the criteria of section 4404. [1989 c 104 Pt A section 45 and Pt C section 10 (new) c 497 section 11 (amd)].

1. Recording. If a subdivision plat or plan is presented for recording to a register of deeds and that plat or plan is a revision or amendment to an existing plat or plan, the register shall: [1989 c 104 Pt A section 45 and Pt C section 10 (new)].
 - A. Indicate on the index for the original plat or plan that it has been superseded by another plat or plan; [1989 c 104 {Pt A section 45 an Pt C section 10 (new)}]
 - B. Reference the book and page or cabinet and sheet on which the new plat or plan is recorded: and [1989 c 104 Pt A section 45and Pt C section 10 (new)]
 - C. Ensure that the book and page or cabinet and sheet on which the original plat or plan is recorded is referenced on the new plat or plan [1989 c 104 Pt A section 45 and Pt C section 10 (new)]
1989 Ch 104 Section A45 and Pt C section 10 (new)]
1989 Ch 497 section 11 (amd)]

Subchapter 5: ENFORCEMENT OF LAND USE REGULATIONS (HEADING: PL 1989, C 104, PT A @ 45 (NEW)

451. Training and certification for code enforcement officers
Certification required; exceptions. Beginning January 1, 1993, a municipality may not employ any individual to perform the duties of a code enforcement officer who in not certified by the office except that; [1997 c 296 sections 5, 6 (amd); 2003 689 Pt B section 6 (rev)}].
Updated through the end of the 121st Legislature. Created 2004-11-22, Page 44